

Burley

Families

Chun (Alm.) Burley

(23)

257 pages



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[illegible]

= Mary Peenhardt
 6 1795
 = Mary Skinner
 6 1721-1801
 = Electy
 6 1795
 = Robert Brown
 = 18.11.1851
 = Eliza
 = Benjamin
 = Nancy

many
b. 1633

① - Kali
b. 24.4.1838

many
b. 1838

am bagel-

= Parlin			
27 6.1840	Seamulla	Price	Robert W
		George	103.556
		13.1.48	14.5.56
		10.5.44	16.5.57
			18.8.71

Joseph	1719.	son of	James	1845-6	USA	1853-4
son of	1719.	son of	James	1845-6	USA	1853-4
Phillips - Elizabeth	1719.	son of	James	1845-6	USA	1853-4

1828-1901
George
Grant-
(4) Peter
b 1825

= *Suaveola*
 foras
 (5) *Ma*
 b 1833
 = *Carthagine*

CORNELIUS BURLEY married

b: 1760 Dutchess County, NY
d: Ernestown twp. 1800 (drowned)

Father: JOHN BURLEY
Mother: DORCAS FREEMAN

- (1) JOHN b: m: d:
(2) GEORGE b: m: d:
(3) ABNER b: m: POLLY HAUSER d:

(a) ABNER NELSON b: ^{July 18} 1814 NY d: April 10, 1887 Lambton Co. m: LAVINA---
(1822-1895)

1. SAMUEL b: 1835 d: 1925 m: MARIA CLARK (1844-1913)
2. DAVID b: 1839 d: 1876 m: LAURA-- (was his son DAVID EDWIN ?)
3. MARY b: 1842 d: 1907
4. ABIGAIL b: 1845 d: m: J. FULLER
5. WILLIAM b: 1846 d: m: SARAH BURLEY-1865
6. CHARLOTTA b: 1849 d: 1865
7. WESLEY b: 1852 d: ~~1865~~ ²⁻²⁸⁻¹⁹³⁵ m: SARAH J. MONKMAN (1838-~~1874~~) ¹⁹⁰⁵
8. STEPHEN b: 1853 d: m:
9. JUDSON b: 1856 d: 1865
10. JOHN b: 1857 d: m:

- (b) HARRIETT b: Nov. 10, 1816
(c) GEORGE FREDERICK b: FEB. 3, 1822
(d) EVA ANN b: MAY 7, 1826

(4) AMOS b: d:

When Cornelius drowned in 1800, his wife took the four boys back to New York State. In 1820, the eldest son Abner returned to Pickering twp. to clear his father's land. Abner (Nelson) Burley raised his family in Lambton County near Thedford. All his family are buried in the old Baptist Cemetery (1838 on gate) at Thedford, Ont. except for William, Stephen and John.

Lambton County was one of the last areas of land to be cleared and homesteaded because of the swampy land which contributed to swamp fever and the Burley family seemed particularly susceptible to this disease as many of them died of lung related diseases.

Abner Sr.'s children were all born Columbia twp. Churchtown NY

Index to Upper Canada Land Petitions
Public Archives of Canada
Micro Film Reel # C-10813 except as noted
Surname Burley except as listed under "notes"

- Note: 1. Index is Upper Canada Land Book Index
2. ~ denotes petitions read by Diane
3. ^ denotes petitions read by John
4. * denotes petitions copied

Name	Reel No.	dates	Petition No.	Township	Notes
John	Index	1853-1855	page 568		Burleigh
John		1854	B7-80	Dawn	
Abner	Index K	1819-1820	page 435,	4 in 435	not clear
Abner	c-1620	1820	B12/283	Pickering	
		see Cornelius Burley file			
File					
Arthur	Index	1837-1839	page 319		
Arthur	*~c-1633	1837	B21/80	Thurlow	
Cornelius	Index D	1797-1802	page 207		
Cornelius	Index I	1811-1816	page 125		
Cornelius*	^ c-1620	1798	B4/74	Addington	
Cornelius ~		1811	B10/43		Barley
		Found on another reel by Diane			
Cyrus	Index	1839-1841	page 11		
Cyrus	*~c-1634	1839	B22/3	Portland	
David	Index	1839-1841	page 329		
David	Index	1843-1844	page 23		
David	Index	1843-1844	page 410		
David	~c-1634	1839	B22/66	Ernestown	
David		1840-1844	B2/81		petition missing
David			B2/6		petition missing
David		1840	B2/1	Ameliasburgh	
		see Freeman Burley file i.e. Mary Black letter			
Deborah	c-1630	1834	B18/203	Ernestown	
Elizabeth	Index I	1811-1816	page 124		
Elizabeth	Index B	1837-1839	page 174		
Elizabeth	Index	1848-1850	page 421		
Elizabeth*	~c-1633	1837	B21/41	Clarke	(Snider)
Elizabeth		1852	B5/79		(Snider)
Emerson		1793	Misc/225		
Emerson	^c-1620	1797	B3/182	Kingston	
Ezekiel	Index B	1839-1841	page 158		
Ezekiel	~c-1634	1839	B22/30	Clark	
Freeman	*^c-1635	1791	BMisc/226		(1788-1832)
Freeman J.	Index B	1837 1839	page 498		
Freeman J.	~c-1633	1837	B21/124	Ernestown	
Hannah		1834	K18/42	Hallowell	Knox
Henry	Index N	1819-1820	page 11		
Henry		1819	B12/11	Ernestown	
Hester	^c-1630	1834	B18/216	Ernestown	(Lee)
Ira	Index B	1837-1838	page 317		

Ira	*~c-1633	1837	B21-79	Ernestown	
James	Index B	1796-1797	page 269		
James	^c-1619	1797	B2/145	Etobicoke	
Jane		1824	S14/60	Haldiman	(Steel)
Jane		1834	B20/161	Ernestown	(Baldwin)
John	Index D	1797-1802	page 46		
John	Index B	1837-1838	page 329		
John	*~c-1633	1838	B21/84	Ernestown	
Joseph	Index D	1797-1802	page 207		
Joseph	Index F	1831-1833	page 203		
Joseph	Index I	1839-1841	page 110		
Joseph	Index I	1839-1841	page 175		
Joseph	Index I	1839-1841	page 549		
Joseph	Index I	1843-1844	page 7		
Joseph	~c-1620	1798	B4/150	Addington	
Joseph	*^c-1629	1832	B17/91	Ernestown	
Joseph	~c-1634	1839	B22/20	Ernestown	
Joseph		1840	B22/147	Ernestown	
Joseph		1843	C2/96	Marysburgh	Aaron Comer Kingston
Hester	Index Q	1833-1835	page 440		
Lydia Jane		d22/15	Clark	Barley	
	Found on another reel by Diane under surname Duel				
Sylvester	Index	1839-1841	page 153		
Susez	^c-1620	1791-1807	B33/224		Missing
	Found on another reel by Diane, under surname Wies				
Susy	^c-1635	1791	Bmisc/228		
Sylvester	~c-1634	1839	B22/28	Ernestown	
Wm.		1831	Beverly Canada Company Vol	148 pg 12	
				RG 1, L3	
John	*^c-1635	1790	Bmisc/227		

Executive Council Minute books (land matters)

Quebec 1787 - 1791 Vol 1 & 2

Reel # c-94 & c-95

Upper Canada 1791 - 1841 Vol 18-39 Land Book A

Reel # C-100 July 8, 1792 - June 27, 1796 Vol 19

Reel # C-101 Oct 1, 1796 - Apr 7 1797 Vol 20

Reel Index

C-10810 to Baker

C-10811 Baker to Bird

C-10812 Bird to Brownwell

C-10813 Brownwell to Cambell

To be checked Aug. 30, 1991

Land 1787
Should be in
the C C C P 1-0
years 1791-
1792

Position B 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 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To His Honor James Smith Esquire
Administrator of the Government of the
Province of Upper-Canada &c

Le ~~den~~ le Comte C

The Petition of Abner Burley of
the Township of Livingston in the State of
New York in the United States of America

Heavenly Breath

That your Petitioner's Father located,
many years ago, Lot 22. 19 in the 4th Concession
of the Township of Pickering in this Province.

That no Deed having issued to his Father for said Land, the said having deceased, and your Petitioner being the eldest surviving Son, and having it in view to remove to this Province, has lately come in with the intention of preferring his Claim to the Honorable Commissioners under the Act in favor of Heirs & Descendants, as the eldest surviving Son of his father, the late Cornelius Durley. That your Petitioner is informed an application has been lately made for a Location of said Lot by one Thomas Majors. Your Petitioner prays also to state that he was not in any Military, Militia, or any other Service.

283a

under the American Government during
the late War, as will appear to your
Honor by proofs & facts annexed.

Wherefore your Petitioner humbly
Prays your Honor's Consideration of
the Premises.

And your Petitioner as in duty
bound shall ever pray.

Wm. Barclay,

Perk 22nd April
1820

31st Dec 1820

Abner Burley

requesting a lot located in Pickering by his deceased father Cornelius Burley. As per Deed Book B. 4 p. 430. Received December 20 from Mr. Oliver

Referred to the Surveyor General to report by Order - John Burley

of the County Office the petition of Burley is in order and approved to be set on foot

"Corn. Burley has been entered on the Plan of Pickering on lot No. 19. in the 4th Concession by the late Surveyor General Smith many years ago - and although I find no authority in this office for a grant of land to Cornelius Burley, I supposed some order may be found in the Councils Office in his favor for land as Mr. Smith has put his usual mark on the Plan, denoting an authority. The lot has not been decided. They leave to refer

282

Your Honor to my report on the money Mayor of the 22nd March last, who applied for leave to locate the said lot.

Surgeon's Office
3 May 1820
J. Burdout
Surveyor

Grand 15th June 1820
to claim under the Commission

* See the petition of Cornelius Burley, B. 4 p. 430 -
Mayor's Major's petition dated 15 June 1820 -

Order of the Mayor and
19 June 1820 -

282c

Joseph Burley of the Township of Smith
Town Yoman Makebath oath and Saith
that Cornelius Burley late of Ransselaer
County in the State of New York in the
United States drew Lot Number Nineteen
in the Fourth Concession of the Township
of Pickering that his family consisted
of a Wife and four Boys the two
eldest of whom John and George are
dead and died unmarried, that the
Two other Boys named Abner and
Amos are still living and that Abner
is the eldest son living, That Cornelius
Burley is dead Joseph Burley

Sworn before me
the 29th April 1820

Man Makebath
Commissioner for
taking Affidavits
under the divorce Act

31st May 1820

Attest as in duty bound with my
Hand Miles Bacon

Amos
Burley

Amos Burley of the County of
Columbia in the State of New York
Yeoman maketh oath and saith
that his father Cornelius Burley died
many Years ago that his family con-
sisted of a Wife and four Boys that the
two eldest Boys John and George died
unmarried that this Deponent's Brother
Abner is the eldest son of Cornelius —
Burley now living that this deponent
never heard of any will being made
by his late Father who died above —
Twenty Years ago that his Brother
Abner Burley resides in the Township
of Livingston in the County of Columbia
State of New York United States that
Abner Burley is his eldest Brother
and has no other brother living this
Deponent from living within three miles
of his Brother Abner does not believe
that the said Abner Burley was in
any Military Militia or any other —
Service under the American Government
during the late War Amos Burley

Sworn before me

the 29th day of April 1820

Alan MacLean Com-
missioner for taking affidavits
under the Divorce Act —

31st May 1820

signed and sworn to by me

Miles Bacon

2832

At the instance of

Amos Burley

&

Joseph Burley

to be replaced with the
Petition of Abner
Burley B12. No 203. in
the Ex. Council Office



Respectfully of
Amos Burley

LDS Library
June 27/91

0924072 BURLEY Family by
Collins Martha Knowles

SAB

1st item

Births, Marriages + Deaths in Connecticut
Copied from the General Index of the
Barbour Collection in Connecticut State Library,
Hartford Collection

Copied by Miss Martha Knowles Collins + Mrs. Margaret S.
Race Shaw Genealogists
Burley pg. 43

pg Burley, John son of John + Meriam b. Oct. 8, 1738
Union V. R.
Vol. 2LR, pg. 288

COMPLETE other 3 items

HISTORIC KINGSTON



Rear-Admiral Sir Robert Barrie, K.C.B., K.C.H.
1774-1841

*Painting by Cecil Jameson for the Royal Military College of Canada,
1967, from a miniature owned by Rodney Barrie, London.*

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Heirs, Devisees, and Assigns: A footnote to the social history of the Midland District

by H. Pearson Gundy

The subject of this paper is a spin-off from some research I was doing in the Ontario Archives last year. I was investigating the question of freedom of the newspaper press in Upper Canada—or lack of freedom—1793 to 1841.* And as so often happens in research, one bit of evidence or testimony opened up, unexpectedly, a whole new field.

I had been re-reading the work of an early commentator on the press in Upper Canada, *Winter Studies and Summer Rambles in Canada* by Mrs. Jameson, published in 1837, and was struck again by her statement: "Last year . . . 427,567 papers circulated . . . among a population of 370,000, of whom, perahps, one in fifty can read."¹ Now was it really possible that 98% of the population of Upper Canada in the 1830s could neither read nor write? Surely not! But how, I wondered, at this late point in time could one test, or at least more accurately determine, the extent of literacy in the province? I posed this question to John Mezak, the resourceful head of the Government Documents section of the Ontario Archives. He considered the problem and then suggested that one way would be to examine the written submissions to the Heir and Devisee Commission of Upper Canada. I could then see what proportion of the signatures to wills, affidavits, deeds, powers of attorney and so forth had to be marked with an "X" because of inability to write. The data, he explained, would come from a fair cross-section of the populace and from persons in all walks of life.

This sounded like an excellent suggestion, but first, I must admit, I had to find out more about this commission with the strange and unenlightening name concerning which I was totally ignorant. Its purpose I discovered, was briefly explained in the Act of Parliament which established the Commission: "An Act to afford relief to those persons who may be entitled to claim lands in this province as heirs or devisees of the nominees of the Crown in cases where no patent hath issued for such lands."² In other words its function was to determine property rights of descendants of the original settlers, or persons to whom Crown lands had been bequeathed, in cases where the original owners had failed to take out deeds for their lands.

Why had so many recipients of Crown grants not obtained letters patent or deeds for their land? The answer seems to be that they mistakenly regarded the certificates or location tickets which they first received as sufficient proof of their legal right to the land they held. But in point of fact, they were supposed to exchange these bits of paper, after they had completed certain prescribed settlement duties, for legal deeds describing the land as registered in the Surveyor General's office. Instead, they clung to their certificates, handed them down from father to son, used them to secure mortgages, or attached them to deeds of bargain and sale. Merchants

* See the author's chapter on "Liberty and Licence of the Press in Upper Canada" in *His Own Man: Essays in Honour of Arthur R.M. Lower* (Montreal and London: McGill-Queen's University Press, 1975).

and land speculators bought up many such certificates or acquired them in payment of debts, and often re-sold them. By the mid 1790s the situation had got out of hand. Many of the original nominees or grantees had died, often intestate, or had left the province with the result that legal rights to property were so confused that drastic measures had to be taken to bring order out of chaos. As there was no court of equity in Upper Canada to deal with land disputes, a commission was set up with wide powers of adjudication.

The first one, established in 1797, lasted until 1804, but was criticized because the appointed commissioners were themselves land speculators. They conveniently settled each other's claims, but not always, it was commonly felt, in the best public interest. In 1805, therefore, a new Act of Parliament set up the second Heir and Devisee Commission which was not finally dissolved until 1911, although it had ceased to function in the early 1890s. It is this second Commission that has furnished the materials for this paper,[†] but before we come to some of the more interesting cases that came before the Commission from this part of the province, then known as the Midland District, let me give a few facts about the Commission.

It comprised six members, three of whom had to be judges—the Chief Justice ex-officio and two justices of the Court of King's Bench. The three lay members were appointed by the Lieutenant Governor from the Executive Council. Three members, one of whom had to be a judge, formed a quorum. The Clerk to the Commission, who acted as permanent secretary, was John Beikie, an efficient and highly respected civil servant. The tribunal had power to order the production of all relevant books, papers, or documents, and could subpoena witnesses. It was stated in the Act that the Commissioners could reject or allow claims "as in their judgment the justice and equity of the case may require without regard to legal forms and solemnities." In other words, they were not bound by the strict rules of evidence observed in a court of law.

At first the Commission met twice annually, but after 1812 met only once a year during the early part of July. The number of cases heard may be judged from a typical year, 1834, when the Commission met from July 7 to 21 and dealt with 182 petitions of which 94 were allowed, 17 conditionally allowed, 51 deferred until the next session, and 10 were disallowed. The documentation which accompanied these petitions amounted to well over 1,000 pages, all of it carefully preserved. Each individual docket was separately folded and fastened together with a band of sealed paper or with red tape. On the face of each docket was inscribed the date, the name of the petitioner and a brief annotation by the Clerk or the Chairman indicating what action was taken.

The records of the first Commission are in Ottawa in the Public Archives, those of the second Commission are in the Ontario Archives where they occupy over fifty linear feet of shelf space, including, in addition to Minute Books, reports and indexes, eighty-eight filing boxes arranged in chronological order, the dockets for each year filed alphabetically by the claimants' surnames. The dockets vary in size, some containing only a few submissions, others as many as a score or even more. Three items are

[†] See also the author's "The Family Compact at work: the Second Heir and Devisee Commission of Upper Canada, 1805-1841", *Ontario History*, v. 66, n. 3 (Sept. 1974) pp. 129-146.

Province of Quebec, Cataraqui 28 Sept 1784

THE

Bearer hereof, *Capt. Michael Grass* Loyalist

being entitled to, *One Thousand*
one hundred Acres of Land, by his Majesty's Instruc-

tions to the Governor of this Province, has drawn ♦ Lot

(N^o 2825,) consisting of, *Four hundred acres in the*

Five Concession in part of the said Proportion, in

the Seigneurie of, *N.Y.* and having

taken the Oaths, and made and signed the Declaration required

by the Instructions, he is hereby authorised to settle and im-

prove the said Lot without delay; and being settled thereon,

he shall receive a Deed of Concession at the Expiration of

Twelve Months from the date hereof.

Frederick H. Dumas

By Order of His Excellency

John Collins Esq.

Land Certificate of Capt. Michael Grass who led the first group of U.E. Loyalists to Cataraqui (Kingston) in 1784.

always included: i) the notice of claim which had to be posted in the court house or office of the clerk of the peace for a minimum period of three months before the hearing (later reduced to thirty days); 2) a certificate signed by the Clerk of the Peace stating that the claim has been publicly exhibited for the required period; and 3) a statement from the Surveyor General's Office identifying the original nominee of the Crown for the lot in question. Supporting submissions included copies of wills, affidavits, family letters, mortgages or deeds of bargain and sale, land certificates, location tickets, army discharge papers, receipted invoices, in fact anything that had a bearing on the petitioner's claim to a particular piece of property.

When I began systematically examining the thirty-two boxes covering the period from 1805 to 1841, I soon discovered that these submissions provided a massive and hitherto largely untapped resource for the social history of Upper Canada. Almost the only use made of these files, I am told, has been by the occasional genealogist digging among the roots of his family tree. I hope to show in this paper the wide variety of information that can be found in these yellowing records, many of them never opened since John Beikie bundled them up a century and a half ago!

First let us go back to the question of literacy which sparked my original inquiry. What kind of information did the Heir and Devisee Commission in 1836 yield on this subject? On wills, affidavits, deeds, mortgages and other documents requiring signature I found a total of 412 names. Of these 363 were personally signed, only 49 marked X. On this showing a surprising 92% of those whose signatures were required were sufficiently literate to write their own names. Now admittedly the ability to write one's own name is no conclusive proof of literacy. One need only look at some of the painfully formed letters in a few of those signatures to be quite sure the penman had exhausted the limits of his competence. None the less, this is a better indicator than Mrs. Jameson's guesswork. If we say that as many as 17% of those who signed their names were, in fact, illiterate, that still leaves 75% who could read and write.

Let us look at a particular instance. In 1836, Paul C. Peterson of Fredericksburg township was astonished to discover that the land he had inherited from his father, one of the original U.E. Loyalist settlers, was about to be claimed by a man named Outwaters. Alarmed by this, he at once sought to obtain letters patent to the lot through the Heir and Devisee Commission. Popular and well known, he soon won the active support of a large group of friends and neighbours. They circulated a petition which stated in its preamble that the undersigned were prepared to testify that Paul C. Peterson had enjoyed quiet and undisturbed possession of the family farm since the death of his father, Christopher Peterson, nine years ago. They further declared that they and all other neighbours at all acquainted with the situation would feel "hurt and dissatisfied" if the property were alienated from Peterson and handed over to Outwaters. Then followed some fifty signatures, each subscriber identifying himself by indicating opposite his signature his lot and concession number in Fredericksburg or Adolphustown. There was not a single X mark among the signatures. If only one in 50 of Peterson's neighbours could read and write there should have been only one signature!

Now, of course, the Fredericksburg-Adolphustown district had long been settled—ever since the first Loyalists arrived in 1784—and a succession of country schoolmasters had all but eliminated illiteracy in the townships.

One of these schoolmasters, Alexander Simpson, turns up in a land claim of 1839. Simpson's nephew, John, fresh from Ireland, claimed, as heir at law, his uncle's Crown grant of land in Kingston township. A search of the records in the Surveyor General's Office established the fact that Alexander Simpson had been given this land, though he had never applied for a patent. In point of fact he had never occupied the lot, for by the time it was granted he had moved to Fredericksburg. There he taught a common school, as several witnesses testified, among them Hannah McDowall, wife of Rev. Robert McDowall, first Presbyterian minister in the Bay of Quinte district. She well remembered the old schoolhouse in Fredericksburg where Simpson taught, for she herself was one of his pupils. He died a bachelor in the home of Col. Timothy Thomson, she thought about the year 1798. (Other deponents placed his death as late as 1816).

What had happened to the lot in Kingston township during all this time? For thirty-six years it had been occupied and improved by one Benjamin Babcock, a squatter who found the land vacant and simply moved in. One of the schoolmaster's old friends had discovered this, and had advised the nephew, John Simpson, in Ireland, to come out and claim his inheritance.

Now apart from "legal forms and solemnities" what did the justice and equity of this case require? Certainly the land had been granted to Alexander Simpson, but he had not lived on it or made any effort to clear and improve it. Should it then go to his newly-arrived Irish nephew or to the industrious Babcock who had turned it into a prosperous farm? The Commissioners awarded it to Babcock.

And now I turn to a few claims by well-known families in the Kingston area. First the claim of John Trumpour, Jr. of Hallowell (Picton), eldest son and heir at law of John Trumpour, U.E. Loyalist of Sophiasburg, for 200 acres of land in Murray township alleged to have been granted to the senior Trumpour in response to a petition to Hon. Peter Russell in 1797. A copy of the petition, submitted to the Commissioners, reads as follows:

To the Hon. Peter Russell, Administrator of the Government of Upper Canada
&c, &c, &c in Council

The petition of John Trumpeau humbly sheweth:

That your Petitioner served his Majesty all the American War and came to this country at the peace with the Refugees that first settled here, that your Petitioner has a wife and seven children mostly grown up, that he has drawn but two hundred acres of land and that not fit for cultivation which obliged your Petitioner to purchase the lot whereon he now lives. It was sold to him by one Peter van Scriber, who received it from Government, for 350 acres and only contains by just measurement one hundred and twenty-five. Your Petitioner therefore prays that, taking into consideration his approved loyalty, his large family unprovided with lands, the loss he sustains in having but one hundred and twenty-five acres of land in a Lot he purchased for three hundred and fifty, the cause that obliged him to purchase, viz. not having drawn a Lot fit for cultivation, and grant him a gore or piece of land adjoining him in the Township of Sophiasburg lying between his improvements and the boundary line of the Reserve on Great Point, containing by admeasurement but seventy-five acres, which small piece of land can be of little service to any other person and will be a great acquisition to your Petitioner,

Who in duty bound will ever pray &c

Kingston, 10 April 1797

(Signed) John Trumpour

In addition to this humble, not to say humiliating petition on the part of his twice-duped father, John Trumpour submitted an affidavit by his father's executor, Nehemiah Osborn, swearing that the senior Trumpour's will was never registered but was "given by this deponent to one of the said John Trumpour's sons some year since, and deponent hath heard and doth believe that the same cannot now be found." He is sure, however, that the will did not mention any land in Murray Township. He also testifies to the fact that the claimant, John Trumpour of Hallowell, yeoman, is indeed the eldest son and heir at law of the said John Trumpour the Elder.

A Certificate from the Surveyor General's Office states that a search of the office records showed that on 20 June 1797, a month after receiving the petition, Council awarded John Trumpour, Sr. not only the gore for which he prayed but also two hundred acres of family land in the township of Murray (Lot 16, 9th Concession), for which, however, he did not trouble to obtain a patent, nor, it seems, did he remember that he owned this land when he came to make his will.

It is doubtful whether this claim in 1840 would have succeeded in a court of law, but the Heir and Devisee Commission took a lenient view of father Trumpour's bad luck and forgetfulness, and the carelessness of his family in losing the will, and ordered a deed to be issued for the land in Murray Township in the name of his son and heir at law.

In March 1811, two separate claims for land titles were made by members of the Herchmer family—the first to 200 acres in Kingston Township (Lot 1, 7th Concession), the second to 1000 acres in the township of Binbrook, Niagara district (Block 2, 7th Concession). The claimants were Lawrence Herchmer and his brother-in-law Thomas Markland, surviving executors of the last will and testament of Honyoust Herchmer,³ claiming on behalf of the Herchmer heirs as named in the will, a copy of which was produced.

The will distributed the estate among Honyoust's wife Mary, the eldest surviving son, Lawrence, two other sons, Nicholas and Jacob, and three married daughters: Catherine Markland, Jane Anderson, and Mary McLean. Then follows this interesting provision:

I likewise give and bequeath unto my said wife Mary Herchmer a negro wench named Eve and her child and the issue of the said wench and children forever; at the same time I give in trust to my said wife . . . for her life my negro [named] Mink, who is so far to have his freedom at my said wife's decease, to live with any of my children heretofore named he may please, and that with whom of them he may choose to live, thereto to maintain and cloath him decently when he is infirm and too old to work.

The will was signed on 2 February 1795. Slavery had been abolished in Upper Canada by an Act of Parliament in July 1793 which forbade bringing any more slaves into the province and gave freedom to all children of slaves when they reached the age of twenty-five.

The Herchmer claim to the land in Kingston Township was allowed, and the lot was later sold by Markland for £61, divided equally among the heirs; but the claim to 1000 acres in the Niagara District was rejected. This block of land had been awarded by the Land Board of Niagara to Honyoust Herchmer's eldest son, Lieut. George Herchmer, a U.E. Loyalist. But George was killed in a duel at Detroit, dying unmarried and intestate. Peter Smith of Kingston testified that he had served in the same corps of Butler's Rangers with Lieut. George Herchmer whose death occurred at Detroit

about the year 1780. Lawrence, as the next eldest brother, now claimed the property as heir at law. But unfortunately he was a few weeks too late in submitting his claim. Thomas Ridout, the Surveyor General, reported to the Commission on this claim as follows:

York 10th March 1812

The name of Lieutenant George Herchmer has been entered on the Plan of the Township of Binbrook for Block No. 2 in the first Concession, containing 1000 acres under the authority of the late Land Board of Niagara. The Public was notified on the 14th June last by a Notice from the Council Office, that the above-mentioned location in Binbrook, with others therein of a like nature, would be declared open for grants to other persons unless within six months from that Date [i.e. before the end of 1811] the persons whose names were therein mentioned appeared by themselves or agents to establish their claims and sue out their Patents.

Since 28th February last His Hon. the President [Sir Isaac Brock] has been pleased to allow to be located 600 acres of the above-mentioned Block. It has been stated that Lieut. George Herchmer had been killed at Detroit in a Duel during the time of the American War.

(Signed) Thomas Ridout
Sur. Gen'l.

The Markland, Macaulay and Cartwright families all had a close connection with the Heir and Devisee Commission, for members of each family, at one time or another, served as Commissioners and also submitted their own claims for titles to various parcels of land.

In 1824, Thomas Markland was involved with Ephraim Blanchard in a dispute over the ownership of 100 acres of land in Ernestown (East half of Lot 25, 4th Concession). This was a typical case of claim and counter-claim as a result of confusion over unauthorized land transfers.

The original owner, as a nominee of the Crown, was Henry Shibley who, some time before the War of 1812, moved across the border into New York State and had recently died. According to his widow, before going to the States he had transferred his Ernestown lot to his brother John, and John Shibley had sold it to William Lee who occupied the adjoining farm. William Lee, however, became so heavily in debt to Thomas Markland that his lands were seized by the Sheriff and sold at public auction, going to Markland as the highest bidder for £55.10.11½. So much, in brief, for the Markland claim.

The counter-claim of Ephraim Blanchard sought to discredit Old Mrs. Shibley's testimony denying that her husband had relinquished his ownership of the lot when he left the country retaining it, in fact, until shortly before his death. A family of squatters had occupied the lot and finally, after they succeeded in getting a deed of conveyance from Shibley, sold the property to Ephraim Blanchard.

What were the rights and wrongs of this case? Clearly the Widow Shibley's testimony was of crucial importance, but was it reliable? Two or three neighbours testified that she was old, blind, infirm, and that her mind was wandering. Markland, however, had rounded up a former neighbour, Amos Martin, who was prepared to swear that the old lady's mind was sound as a bell. But having given an affidavit to this effect, he then paid a visit to his old family homestead, saw the old lady and realized that he had been mistaken. Being an honest man, he immediately wrote to Markland withdrawing his testimony and sent a copy of the letter, attested by three witnesses, to the Heir and Devisee Commission—a letter which effectively destroyed Markland's claim. The letter follows:

Portland, July 12, 1824

Dear Sir

On my return home had an opportunity of conversing with my old neighbors and my own Relations, find I was wrong in the affidavits given you . . . Edwards and Williams and others was right. The wrong representation by me was in consequence of Conversation that I had with Old Mrs. Shibley but am satisfied that she was wrong. I do not believe that William Lee ever had any possession or claim on the east half of Lot No. 25 in the fourth Concession of Earnestown. Please to pardon me for making such a gross mistake for I did not mean any wrong.

Yours regretfully

Witnessed

her
Dolly X Crown
mark

(Signed) Amos Martin

his
Elisha X Crown
mark

Alan McLain, Esqre

A claim preferred in 1830 by Alan McPherson of Napanee shows what happened to land left unoccupied by the original nominee of the Crown. In this case the land was next to the McPherson property and its neglected state was depreciating the value of adjoining lots. The McPherson petition to the Lieutenant Governor in Council, dated 22 February 1830 "humbly sheweth":

That the East half of Lot No. 20 in the 7th Concession of Fredericksburgh in the Midland District was located in the name of John Hunter prior to the division of the Province of Quebec, but was never settled or improved by him, nor has any such person been known or heard of in the District for many years; that a great part of the Fire wood and nearly all the Timber Trees have been cut and carried away by Lumber Men, Squatters and others, and the land will, by such depredations which are still continued, be soon greatly lessened in value unless some person can possess it by authority; that the said Land has been in possession of several Persons at different times and is now occupied by one Jacob Loucks who is not of ability to purchase; that about ten acres are improved and there are two small Houses thereon; that the Land nearly abuts six acres owned by your Petitioner on which account he is desirous to obtain it.

Your Petitioner therefore humbly Prays Your Excellency . . . will be pleased to order the usual notice to be given to the Locatee or his representatives to make good any claim they may have to the said Land, and in failure of any claim being established that the same may be sold to your Petitioner, subject to such conditions as may be thought fit—or that it may be ordered for public sale as your Excellency deems most expedient . . .

The Executive Council on 9 March 1830 ordered the following notice to be published in the official *Gazette*: "Notice is hereby given by order of His Excellency the Lieutenant Governor in Council, that unless John Hunter or his Heirs do make good any claim they may have to the East half of Lot number twenty in the seventh Concession of the Township of Fredericksburgh in the Midland District within six months from this date, the said lot will be otherwise disposed of." Robert Stanton, the King's Printer, certified on 16 September 1830, that the above notice had been duly published over a period of six months. As a direct result of the notice, a claim to the lot in question by one William Fairman came before the Heir and Devisee Commission but was disallowed for lack of evidence. Jacob Loucks, the squatter, had no claim to the land which he could substantiate, nor sufficient capital to bid for it at auction. Alan McPherson's petition was granted

and he was allowed to purchase the property from the Crown Lands Department for a nominal sum.

In 1837 Hon. John Macaulay was appointed Surveyor General and regularly attended meetings of the Heir and Devisee Commission. A few months after he had been in office, the Executive Council had to take him to task for exceeding his authority, even though he had been motivated by humanitarian considerations. What happened was this: a needy widow, Mrs. Elizabeth Key, desperately wanted a deed to land that had been granted to her late husband, a discharged soldier. When Macaulay found that Key himself had applied for a patent and that the reason he didn't get it before he died was a backlog of work in the office, he promptly expedited the matter and gave the woman letters patent in her deceased husband's name.

The Commissioners, however, had ruled as early as 1829 that when a grantee applied for a patent, but died before it was issued, the patent was to be deemed null and void and deposited in the Executive Council Office. (Minute Book, 3 July 1829).

In the matter of Elizabeth Key, the Executive Council decided not to rescind the deed Macaulay had granted, but adopted the following resolution: "The Council beg most respectfully to express their disapproval of the course pursued in the Surveyor General's Office, namely location in the name of a deceased person without authority." Underneath this Minute, Sir Francis Bond Head wrote in pencil: "To be communicated to the Hon. the Surveyor General." FBH

Turning to the Cartwright family, it may seem odd that Hon. Richard Cartwright, who had served on the first Heir and Devisee Commission and well knew the problems caused when grantees failed to take out patents, should himself have fallen into this error. Perhaps he had already accumulated so much patented land that he became forgetful. At any rate, when he obtained 1200 acres more as Colonel commanding the Midland District in the War of 1812, he failed to apply for a patent and neglected to devise the property in his will. His eldest son, Thomas Robison Cartwright, could have entered a claim as heir at law but did not do so and died without issue in 1826.

There remained three children of Hon. Richard Cartwright—John Solomon, Robert David, and Mary Magdalen (Mrs. Dobbs). All three might have hoped to share equally in their late father's military grant, but, in fact, John Solomon persuaded his brother and sister to opt out in his favour, according to an affidavit signed by Robert David at Kingston, 16 July 1834.

J.S. Cartwright then wrote to John Radenhurst,⁵ a senior official in the Surveyor General's Department, who was 'moonlighting' at the same time as a land agent, as follows:

Kingston, 16 July 1834

Dear Sir,

I send you a copy or rather the Probate of the will of my Father and brother from which will be seen that the property was not devised. Also the affidavit of my brother Robert which, I fancy, is quite sufficient. Mr. Hagerman could supply anything further or the Archdeacon should it be requested.

Yours truly

(Signed) John S. Cartwright

The Archdeacon was, of course, Rev. John Strachan, one of the oldest members of the Heir and Devisee Commission, and one of the most regular in his attendance. The claim was allowed without dispute, perhaps helped by the fact that the claimant was well known to every one of the Commissioners.

When Strachan became Bishop his successor as Archdeacon was Rev. George Okill Stuart, a confirmed land speculator—a taste he inherited from his father old Dr. John Stuart of St. George's in Kingston. In the late 1790s, Rev. John Stuart and his friend Christopher Robinson (father of the later Chief Justice) jointly invested in a number of lots in Pickering Township—lots which they purchased from the original nominees of the Crown or their heirs. They knew that it was important to get deeds for the lots and commissioned Lawyer Allan McLean, their fellow townsman, to act on their behalf. But unfortunately Allan McLean, if he ever got the deeds, failed to turn them over to his clients. Years later when the sons of the two speculators, Rev. George Okill Stuart and Peter Robinson, tried to get the deeds from McLean he simply couldn't find them.

Now the original nominee for one of the Robinson lots was Cornelius Burley who had moved to the United States. In 1838, his son Abner tried to claim this lot in Pickering Township as heir at law. Peter Robinson, however, got in touch with Abner's uncle, Joseph Burley of Ernestown, who signed an affidavit stating that his brother Cornelius had transferred the lot to him, when he left the country, and that he had sold it to Christopher Robinson who had paid him in full. This was enough to disallow Abner Burley's claim, but John Beverley Robinson, who was then Chairman of the Commission, drew up a long memorandum for his fellow commissioners in which he went into his father's land transactions in minute detail in order to leave no doubt that his brother's claim was above board.

Mention of Rev. John Stuart brings to mind a fellow Anglican clergyman in the Bay of Quinte district, Rev. John Langhorn a man of eccentric views and behaviour whose hatred of the devil was second only to his hatred of Methodists and their saddlebag circuit riders. Perhaps he envied their larger congregations, but if so he could take consolation in the fact that the Methodist clergy were not then authorized, as he was, to perform the marriage ceremony. His own attitude to marriage, however, seems to have been highly unorthodox, judging from an affidavit of one William Harrison, a farmer from Marysburgh. He was testifying, in June 1835, that the thrice-married Mary Crane was heiress at law of her father's estate and also that of her first husband, Thomas Lloyd. Lloyd had apparently deserted her, had not been heard from, and was presumed dead. In this uncertain state of grass widowhood, Mary received a proposal of marriage from Jeremiah Storms. Although they lacked any proof of Lloyd's death, Rev. Mr. Langhorn agreed to perform a conditional marriage! In the words of the deponent: "I was also present and saw Mary Lloyd, the daughter of Elisha Crane married to Jeremiah Storms, and the Rev. Mr. Langhorn married them on condition that if Thomas Lloyd ever returned she would then become the wife of Thomas Lloyd again and leave Jeremiah Storms." Fortunately for both of them, Thomas did not reappear; Mary outlived her second husband, took Aaron Connor as her third, and went to live in the United States.

Old Testament given names such as Aaron, Elisha, Jeremiah, Odabiah, Ezekiel and so on were as common in those days as Tom, Dick, and Harry. Some other names I came across in these records were nothing if not fanci-

ful—names such as Harmonious Cryderman, Hafel Coy, Sidonia Lusty, Christian Plato, Prince Toby, the Widow Anguish (a true Dickensian touch), and my own favourite Usual Wilson. I like to think that the parents took the child to be baptized without first deciding what to call the infant, and when, during the service, the minister asked "By what name do I christen this child?", the confused parents muttered in embarrassment "Oh, the usual", whereupon the poor innocent was christened Usual Wilson.

Sometimes immigrants who left the Old Country to escape creditors changed their names so they could not be traced. The new name was not registered and this sometimes led to legal entanglements. Thus one Robert Stephens of Drummond Township in the county of Lanark obtained a land grant under his assumed name, Robert Jameson. He had been a lime merchant in Aberdeen but got into debt, and leaving his wife and family behind him, came out to Upper Canada in 1816. Unskilled as an axman, he was killed by a falling tree while trying to clear his land. Fifteen years later his son John, who had retained the true name, Stephens, entered a claim for the lot. The difference in surname between father and son was explained by an old family friend who deposed that the father's "real name was Robert Stephens and that he assumed that of Robert Jameson upon his arrival in this colony in consequence of pecuniary difficulties." The claim, however, was deferred, Mr. Justice J.B. Macaulay noting on the docket: "It must be proved that the claimant is the eldest or only son and heir at law of the Original Nominee."

Another alias was assumed by one Patrick Moylan who changed his name to Andrew Wilson, not to escape from "pecuniary" but from matrimonial difficulties, or, as he said, "to avoid being followed by a woman with whom I had cohabited before I emigrated to this country."

The spelling of names at times gave rise to difficulties. Land Board officers unfamiliar with foreign-sounding names tried to spell them phonetically, often with curious results. We have already seen that Trumpour was written down as "Trumpeau", Servos became Service, Magin, McGin or McGinnis. One Johan van Atten had a son Christopher who first spelled his surname Faunatten and later changed it to Phenneton. Such persons when claiming as heirs at law had to produce witnesses who could account for the difference in names. Old people who knew the parents, near relatives or neighbours were applied to for affidavits.

There can be no doubt that the elders of the community liked to give evidence in this and other matters in dispute, for it gave them a sense of standing and importance to sign an affidavit or to be summoned to give oral testimony before the Commission. Often garrulous, they liked to reminisce, even when, like Old Mrs. Shibley's, their memory faltered. And today, almost a century and a half later, their testimony provides flashes of insight into the life and times of the pioneers, whence they came and what they accomplished.

Here is a typical affidavit, dating from 1835, by a nonogenerian, Robert Wilkins of Ameliasburg in Prince Edward County, formerly of the 17th Light Dragoons, concerning his old comrade-at-arms, William Morris, dead these forty years and more.

Deponent saith that he was, during the Revolutionary War, perfectly acquainted with William Morris, formerly of Philadelphia, the father of [the claimant] the said Nathaniel Morris . . . and that [they] always conducted themselves as good Loyalists. The deponent further saith that he is well acquainted with the services of the said William Morris in procuring housing

and lodging for His Majesty's troops at the first taking of Philadelphia; at the evacuation of that city by His Majesty's troops he and his son retired with them to New York . . . Nathaniel Morris worked in His Majesty's Dockyard at New York till the conclusion of the war, when he emigrated with his father to Nova Scotia with the Loyalists. From thence he went to London and came out to this country in the year ninety two in company with this deponent. This deponent further saith that the said Nathaniel Morris is the only son—if more sons he had—who accompanied him during the war and is the only one who came to this country with him. This deponent further saith that he hath not heard of the said William Morris for the last forty years [and] that he, this deponent is now ninety-two years of age. Signed in a shaky hand, Robert Wilkins, and attested in the left hand margin: "Given before me, Robert C. Wilkins [a son? or grandson?], a Commissioner for taking oaths in King's Bench."

Nathaniel Morris himself signed a lengthy deposition, identifying himself as "carpenter and joiner" of Sidney Township, son of William Morris, late of the city of Philadelphia, mariner, and Elizabeth McCarty, and was born in wedlock in the year 1760." He stated that he worked for five years in the dockyard at New York, lived in Nova Scotia for another five years before going to England, came back with other Loyalists to Quebec and thence to Kingston where he stayed (while his father went on to York) "for the purpose of drawing land," obtaining 500 acres in the rear of Kingston (Lots 23, 24, 3rd Concession). His father later went back to London and died there in 1807. In 1803 or 1804 Nathaniel visited his father to bring back a deed for the land, but on the return voyage "was cast away in Cape Cod and lost almost everything he had, including almost all the papers he had with him." He himself never obtained a patent for the land and never sold it. His last brother was killed at the battle of Monmouth. Now having arrived at the advanced age of 75 he knows no person excepting the elder Robert Wilkins with whom he had any acquaintance in former times or who could in any matter identify him.

Happily the old man's claim was allowed, and letters patent ordered to be issued to him, 13 July 1835.

In 1829 two prominent, and by that time elderly, Kingstonians, Hon. John Kirby and Allan McLean, former Speaker of the Legislative Assembly, gave evidence in support of one James Waters who claimed 200 acres in Loughborough Township (Lot 19, 3rd Concession) as heir of Humphrey Waters who was the assign of William Holford, the original nominee. But first Waters produced a deed of conveyance by which, in 1793, William Holford, in quaint wording and eccentric spelling, made over his land "to Humphrey Waters his heirs and assigns for ever, and I will Defend him against my heirs and assigns in peaceable procation (possession) of the same (same)". The witnesses to this deed of bargain and sale were John Ferrier and John Grewer. Both had no doubt been customers, in the early days, at John Kirby's store, for he swore on oath that they once were "persons of credit and reputation according to their situation in life", and he recognized their handwriting; then, in order to be strictly truthful, he added that he was "not so familiarly acquainted with the handwriting of the said John Ferrier as that of the said John Grewer." Fair enough. Then Allan McLean reported what he remembered about Old Mr. Holford, that "he came to the Province in 1792 with the Loyalists that were sent out from England by the Treasury, that he drew lands in the township in the rear of the township of Kingston now called Loughborough, that the said Holford left the Province many years ago and, it was said, enlisted in the 60th Regiment, that he has a knowledge of Humphrey Waters dying at Niagara, without a will, and

believes James to be his eldest son." On the basis of this, and other evidence, the claim was allowed.

Kirby and McLean were both men of wealth and property whose families were well able to look after them in comfort in their declining years. But care of the aged in pioneer society was often a problem, especially when there was no immediate family to assume the responsibility. When an old man, living alone, could no longer care for himself, he would commonly leave his property to a kinsman or neighbour in exchange for board and lodging and a decent burial. Thus David Embury of Huntingdon Township, one of the first Methodist settlers in Upper Canada, old and full of years, spent his last days in the Fredericksburg home of Andrew Embury Sr., to whom he devised his property. In another case, David Hartshorn "becoming an infirm old man incapable of taking care of himself" was taken into the home of Andrew Hubbard, to whom he verbally assigned all his rights, title, and interest in the land he owned in Darlington Township, and, in the words of a deponent, "he, the said David Hartshorn, died in the home of the said Hubbard and was buried by him and at his expense . . . [having] supported the said Hartshorn about two years, which from his very objectionable habits no one else would do." (5 Jan. 1837). In a Court of Law, the alleged verbal assignment would not have been recognized; but the Heir and Devisee Commission allowed Hubbard's claim for looking after the old man despite his disagreeable personal habits, and seeing that he got a decent Christian burial.

Then there is another case of an old soldier taken into the home of the Fralick family in Ernestown. James Beavin had been a British regular during the Revolutionary War and after his discharge settled on 100 acres in Ernestown township, but never married and had no relatives he could turn to. Old and bed-ridden, he was befriended by Peter Fralick whose daughter Sarah, or Sally (who later married Frederick Bell) gave him nursing care. When Mrs. Bell, after Beavin's death claimed his land, three neighbours jointly testified: "We have often heard the said James Beavin declare his intention, when perfectly sensible before his death, that in consequence of the said Sally Bell's generosity and affection in nursing and keeping him clean in his indisposed situation that she should enjoy the said one hundred acres of land above mentioned as soon as she became of age or got married." Again the old man's last wishes, though expressed only verbally, were honoured by the Commissioners.

Written wills, carelessly or ambiguously drawn, sometimes gave the Commissioners more trouble than verbal dispositions. One such case, which twice had to be deferred for further evidence, prompted Chief Justice John Beverley Robinson to draw up a lengthy hand-written memorandum for the guidance of his fellow commissioners.⁶ In it he clearly defines the authority of the Commission as compared with a Court of Law:

We have no authority to vary from the testator's intention. We cannot make a will for him, nor can we rightly rescind any disposition he has made. But we may, for the purpose of giving effect to the intention of the testator . . . assume a latitude greater than Courts of Law allow themselves . . . The Board under the very extensive power given them by the Statute have in numerous instances disregarded the [legal] rules [of evidence] in order to reach what they deem to be the meaning of the testator. If I can discern clearly what this testator desired should be done with his property, I should think it right to follow that as our guide, altho' it may give the whole a different direction from that which would be given it in a Court of Justice bound by ordinary rules.

Since the members of the Commission were almost all leading members of the so-called Family Compact, one might suppose that the Commission must have been violently attacked by Mackenzie and his followers as a public grievance. Not so, however. The Commission is not even mentioned in any of the reports of grievances. Indeed its adjudications were considered to be so fair that when a proposal was made in 1837 to transfer all future land claims from the Commission to the new Court of Chancery, Parliament, including most of the reform members, voted down the proposal in order to continue the Commission, confirming the appointment of John Beikie as its permanent Clerk. His Minute Books and annual reports to the Lieutenant Governor in Council are models of their kind. He was also scrupulous in preserving all evidence, though sometimes petitioners reclaimed wills that had been submitted. In such cases, Beikie always indicated this fact with the date of withdrawal on the docket.

Most of the remaining wills, or copies of wills, are perfectly straightforward, following the legal usage of the time, but not infrequently they yield gold nuggets of information on social customs and conditions of the times.

As one might expect in the days long before 'Women's Lib', male heirs were generally favoured above female heirs. One Adam Johnston of Cornwall, for example, in his will dated 1799, made ample provision for his wife and sons, but as if it were an afterthought, left one shilling each "if demanded" to his four daughters. A Lutheran minister, Rev. John Broeffel, from the same district, was more generous thirty years later when he left £5 to two of his daughters and £8 to two others. He seems to have had an extensive library on which he placed a much higher value than, I suspect, his executors were able to realize on it. His Dutch books were to be sent to the United States, sold to the best advantage, and the money divided equally among his six sons. The will continues: "also the remainder of my books, that is either German or English books, to be sold for the support of my family . . ." One wonders how many shillings they got, but fortunately the family did not have to subsist on the revenue from some second-hand books, for the boys got, in addition, 1000 acres of land. (10 July 1829).

The only other will I came across that mentioned books was that of Rev. William Richey, a well-known Methodist minister. By a peculiar coincidence he, too, had six sons, but only one daughter, and, oddly enough, it was to her that he bequeathed his library, including six bound volumes of the *Methodist Magazine*, four volumes of John Wesley's *Sermons*, Harvey's *Meditations Among the Tombs*, and other pious and improving works. To his eldest son, Josias, he left a good feather bed, bedstead, bolster, pillow, blankets and sheets, and to the five other sons one shilling each! Evidently the boys just weren't readers!

One will that has its own poignancy was that of a poor, illiterate tinsmith, James Reilly, an ex-soldier from Ireland. Unmarried and without any relatives in Upper Canada, but during the first cholera plague, knowing he was about to die, he remembered his few friends in a simple will which he had to sign with an X.

The last will and testament of James Reilly, tinsmith, is as follows: viz. that Patrick Hughes is to have a small pine chest and all its contents, and John Danaghy is to have the bedclothes, overcoat and press, and George Hogs is to have the potatoes in rear of his house, and Thomas Platt to have all his tools and chattels and 100 acres of land in the township of Essa, his watch, tin and

tinware. (Signed) James ^{his}_x Reilly and witnessed by Thomas Platt and
 Patrick Hughes, York, 8 Sept. 1832.

Finally, I quote one rather eccentric provision from the will of uxorious Leonard Scratch, dated 5 February 1822: ". . . in case I should die before my wife, it is my particular desire that my wife at her decease shall be buried along my left hand precisely in the same manner as we stood before the minister to be joined in matrimony."

Requiescat in pacem. In this paper I have been able to present only a few random examples of the great wealth of documentary evidence concerning the life and times of the Upper Canadian pioneers preserved in the voluminous records of the Heir and Devisee Commission.

Of the Commission itself, I have formed a high opinion. Mistakes were made, I have no doubt, and in rare cases a deserving claimant got less than his just deserts. But where there was reasonable doubt, cases were usually deferred for additional evidence—in a few instances so often deferred that time, in the end, solved the problem. Very occasionally one of the Commissioners entered a dissenting vote, but, as the Minute Books show, unanimity was the general rule. Under John Beikie, the Minutes were scrupulously kept, with greater fullness of detail in the earlier than in later years. When W.H. Lee took over from him, the Chairman of each sitting annotated the cases as they came up. These foolscap pages of notes were later bound up as the official Minutes.

John Beverley Robinson had the longest record as a member and as Chairman of the Commission, and his memoranda, written in a neat, tight, not always very legible hand, are models of judicious reasoning. And much the same may be said of notes by other chairmen—Judges Macaulay, Hagerman, Sullivan and Jones.

If, in his latter, repentant days, William Lyon Mackenzie had spent some time poring over these old records of the Heir and Devisee Commission, I hazard the guess that he might have changed his opinion of those old Family Compact antagonists. Their unremitting devotion to public duty, he could only have admired; their skill and impartiality in disentangling confused property rights without fear or favour might have been his greatest surprise.

NOTES

- 1 Mrs. [Anna] Jameson, *Winter Studies and Summer Rambles in Canada* (New York: Wiley & Putnam, n.d.) Vol. I, p. 191. In another place the author complains about the difficulty of obtaining reliable statistics: "the officials are all too busy and know nothing except in their own peculiar department; the difficulty of obtaining correct information of any kind is beyond what you can conceive." I, 181.
- 2 *Statutes of Upper Canada*, 45th George III (1805) First Session, Ch. II.
- 3 The name, so spelled and signed in the Will, was a corruption of Johann Joost.
- 4 PAO, Macaulay Papers, J. Joseph to John Macaulay, notifying him of his appointment as Surveyor General of Upper Canada, 21 Sept. 1837.
- 5 John Radenhurst was Principal Clerk in the Surveyor General's Office, and Acting Surveyor General during the illness of S.P. Hurd, whom he had hoped to succeed at the time of Macaulay's appointment.
- 6 This memorandum, written on three sheets of ruled foolscap, should have been bound up in the Minute Book for 1840, but, instead, was filed with the docket. (Box 30, Parcel 60).

Cyrus Burley Bible

page 1 - John Burley the
Farther

page 2 - Cyrus Burley near

Sylvester Burley Bible

page 1 - Marriage ^{cont.}
Sylvester Burley

page 2 ~~Marriages~~ Births

page 3 Marriages

page 4 Deaths

**BURLEIGH, Wesley
Ross** — At Kingston
General Hospital on
Saturday, June 30, 1984,
Ross Burleigh, dear
brother of Mrs. Beulah
Spring and the late Her-
bert Burleigh, Marion
Burleigh and Mrs.
Grace Lakins, survived
also by several nieces
and nephews. Funeral
Services were held on
Monday, July 2 at the
James Reid Funeral
Home, Cataraqui Chap-
el. Interment Harrow-
smith Cemetery. As ex-
pressions of sympathy
Memorial Donations
may be made to the
charity of your choice.

Clarke Top

Durham

Elizabeth dau of
John
settled Clarke

John son of John

Joseph son of John
settled Clarke 1840 O.C.

Freeman (Black) son of Joseph

settled Stock's corner (Phantom
Valley) where Cyrus (son)
settled

27 Jan 1994

=====

HUSBAND Arthur BURLEY-234

=====

BORN: 13 Mar 1808 PLACE:
CHR.: PLACE:
DIED: Bef 1851 PLACE:
BUR.: PLACE:
MARR: PLACE:

FATHER: John BURLEY U.E.-228

PARENTS' MRIN: 93

MDTHER: Lydia RICHMOND-229

=====

WIFE Susan FOX-242

=====

BDRN: Abt 1817 PLACE:
CHR.: PLACE:
DIED: PLACE:
BUR.: PLACE:
FATHER:
MDTHER:

=====

CHILDREN

=====

1. NAME: Honul BURLEY-1616
---- BDRN: 1831 PLACE:
F CHR.: PLACE:
DIED: PLACE:
BUR.: PLACE:
SPDUSE:
MARR: PLACE:

=====

2. NAME: John W. BURLEY-672
---- BDRN: Abt 1832 PLACE:
M CHR.: PLACE:
DIED: PLACE:
BUR.: PLACE:
SPOUSE:
MARR: PLACE:

=====

3. NAME: Cornwall BURLEY-673
---- BDRN: 21 Apr 1838 PLACE:
M CHR.: PLACE:
DIED: PLACE:
BUR.: PLACE:
SPDUSE:
MARR: PLACE:

MRIN: 245

=====

4. NAME: Augustus (Gus) BURLEY-674
---- BDRN: PLACE:
M CHR.: PLACE:
DIED: PLACE:
BUR.: PLACE:
SPDUSE:
MARR: PLACE:

=====

John A. Burleigh
798 Camberley Crescent,
Kingston, Ontario,
Canada K7M 4C4
Phone:(613) 389-3943

FAMILY GROUP RECORD-89
DOCUMENTATION

27 Jan 1994

Page 2 of 2

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HUSBAND	Arthur BURLEY-234
WIFE	Susan FOX-242

Yr of Birth 1808
Yr of Birth 1817

HUSBAND - Arthur BURLEY-234

WIFE - Susan FOX-242

CHILD 1 - Honul BURLEY-1616

CHILD 2 - John W. BURLEY-672

CHILD 3 - Cornwall BURLEY-673

BIRTH* Recorded in Cyrus Burley' bible.

DEATH:drowned at Grand Rapids,Mich.

CHILD 4 - Augustus (Gus) BURLEY-674

=====

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HUSBAND: John BURLEY (AFN:TH2Z-R2)

=====

BORN: 1768	PLACE: . , New York	LDS ORDINANCE DATA
CHR.:	PLACE:	B:
DIED:	PLACE:	E:
BUR.:	PLACE:	SP:
MAR.:	PLACE:	SS:
FATHER:		
MOTHER:		
OTHER WIVES:		

=====

WIFE:

=====

BORN:	PLACE:	B:
CHR.:	PLACE:	E:
DIED:	PLACE:	SP:
BUR.:	PLACE:	
FATHER:		
MOTHER:		
OTHER HUSBANDS:		

=====

Sex CHILDREN

=====

1. NAME: Sylvester BURLEY (AFN:TH3V-HC)		
---- BORN: 1800	PLACE:	B:
M CHR.:	PLACE:	E:
DIED:	PLACE:	SP:
BUR.:	PLACE:	
SPOUSE: Caroline JENKINS (AFN:TH3V-JJ)		
MAR.: 28 May 1830	PLACE: Kingston, Ontario	SS:

=====

2. NAME: Ezekiel BURLEY (AFN:TH30-1C)		
---- BORN: [1802]	PLACE:	B:
M CHR.:	PLACE:	E:
DIED:	PLACE:	SP:
BUR.:	PLACE:	
SPOUSE:		
MAR.:	PLACE:	SS:

=====

3. NAME: Dorcas BURLEY (AFN:TH2Z-TD)		
---- BORN: 13 Jun 1804	PLACE: Ernestown?, Lennox/Addington, Ontario	B:
F CHR.:	PLACE:	E:
DIED: 24 May 1859	PLACE: , Winnebago County, Illinois	SP:
BUR.:	PLACE:	
SPOUSE: Nathaniel HICKS (AFN:TH2Z-C0)		
MAR.: Bef 1840	PLACE: . , Ontario	SS:

=====

4. NAME: Joseph BURLEY (AFN:TH30-2J)		
---- BORN: [1804]	PLACE:	B:
M CHR.:	PLACE:	E:
DIED:	PLACE:	SP:
BUR.:	PLACE:	
SPOUSE:		
MAR.:	PLACE:	SS:

=====

Codes: AFN=Ancestral File Number B=Baptized E=Endowed SS=Sealed to Spouse SP=Sealed to Parents

=====

HUSBAND: John BURLEY (AFN:TH2Z-R2)

BORN: 1768

WIFE:

BORN:

=====

Sex CHILDREN (Continued)

LDS ORDINANCE DATA

=====

5. NAME: Lydia Jane BURLEY (AFN:TH30-3P)

---- BORN: [1806] PLACE:

B:

F CHR.: PLACE:

E:

DIED: PLACE:

SP:

BUR.: PLACE:

SPOUSE:

MAR.: PLACE:

SS:

=====

6. NAME: Ira BURLEY (AFN:TH2Z-VK)

---- BORN: [1806] PLACE:

B:

M CHR.: PLACE:

E:

DIED: PLACE:

SP:

BUR.: PLACE:

SPOUSE:

MAR.: PLACE:

SS:

=====

7. NAME: Arthur BURLEY (AFN:TH2Z-WQ)

---- BORN: [1808] PLACE:

B:

M CHR.: PLACE:

E:

DIED: PLACE:

SP:

BUR.: PLACE:

SPOUSE:

MAR.: PLACE:

SS:

=====

8. NAME: Freeman J BURLEY (AFN:TH2Z-XW)

---- BORN: [1810] PLACE:

B:

M CHR.: PLACE:

E:

DIED: PLACE:

SP:

BUR.: PLACE:

SPOUSE:

MAR.: PLACE:

SS:

=====

9. NAME: Cyrus BURLEY (AFN:TH2Z-Z3)

---- BORN: [1812] PLACE:

B:

M CHR.: PLACE:

E:

DIED: PLACE:

SP:

BUR.: PLACE:

SPOUSE:

MAR.: PLACE:

SS:

=====

10. NAME:

---- BORN: PLACE:

B:

CHR.: PLACE:

E:

DIED: PLACE:

SP:

BUR.: PLACE:

SPOUSE:

MAR.: PLACE:

SS:

=====

Codes: AFN=Ancestral File Number

B=Baptized

E=Endowed

SS=Sealed to Spouse

SP=Sealed to Parents

=====

Name: Arthur Cleveland BURLEY (AFN:62C4-JR)

Born: 23 Feb 1885 Sex: M
 Holland Center, Grey, Ontario, Canada

FATHER: Jesse Miles BURLEY
MOTHER: Katherine Rachel LONG
SPOUSE: Mary HAWORTH

=====

SUBMITTERS

Cherie Phyllis WILLIAMS Microfilm: 1394115
4673 Indigo N E Submission: AF83-023745
Salem OR
USA 97305

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John BURLEY (TH2Z-R2) Born: 1768 . . New York

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1-- John BURLEY (TH2Z-R2) Born: 1768 . . New York

2-- Sylvester BURLEY (TH3V-HC) Born: 1800

sp-Caroline JENKINS (TH3V-JJ) Born: 1810

2-- Ezekiel BURLEY (TH30-1C) Born: [1802]

2-- Dorcas BURLEY (TH2Z-TD) Born: 13 Jun 1804 Ernestown?, Lennox/Addington, Ontario

sp-Nathaniel HICKS (TH2Z-CO) Born: 3 Oct 1797 . . New York

3-- Lydia Maria HICKS (TH2Z-FB) Born: 13 Jul 1826 Ernestown?, Lennox/Addington, Ontario

sp-George N MOFFATT (TH2G-WN) Born: 11 Dec 1819 . . , England

4-- George Ansley MOFFATT (TH2G-Z1) Born: 4 Jan 1846 . . Illinois

4-- Richard Nathaniel MOFFATT (TH2Z-GH) Born: 2 Dec 1847 . . Illinois

sp-Martha TODD (TH2Z-HN) Born: [1847]

4-- Sylvester Hicks MOFFATT (TH2Z-JT) Born: 17 Jul 1852 . . Illinois

sp-Elizabeth BELL (TH2Z-K1) Born: [1852]

4-- George Edwin MOFFATT (TH2Z-L6) Born: 12 Sep 1854 . . Illinois

sp-Elizabeth E (TH2Z-MC) Born: Sep 1858

5-- Maybell B MOFFATT (TH2Z-NJ) Born: Jun 1883

5-- Fred E MOFFATT (TH2Z-PP) Born: Jan 1885

5-- Mary M MOFFATT (TH2Z-QV) Born: Feb 1893

4-- Lydia Burley MOFFATT (TH2H-3N) Born: 25 Nov 1858 . . Illinois

4-- Leandre Alfred MOFFATT (TH2H-4T) Born: 3 Jun 1870 . . Illinois

4-- Manford Millard MOFFATT (TH2H-51) Born: 16 Jul 1873 Rural Harlem Twp. Winnebago County, Illinois

sp-Elizabeth (Lizzie) May NEWHOUSE (TH2J-GP) Born: 21 Mar 1877 Cortland, De Kalb County, Illinois

5-- Florence Mae MOFFATT (TH2G-R0) Born: 2 Sep 1895 . . Wisconsin

sp-LIVING (TH2G-L4) Born: LIVING

5-- Clara Lizzie MOFFATT (TH2K-Q7) Born: 24 Aug 1897 . . Wisconsin

sp-LIVING (TH2K-MP) Born: LIVING

sp-LIVING (TH2K-P2) Born: LIVING

5-- LIVING (TH2K-LJ) Born: LIVING

sp-LIVING (TH2K-KC) Born: LIVING

5-- LIVING (TH2G-VH) Born: LIVING

2-- Joseph BURLEY (TH30-2J) Born: [1804]

2-- Lydia Jane BURLEY (TH30-3P) Born: [1806]

2-- Ira BURLEY (TH2Z-VK) Born: [1806]

2-- Arthur BURLEY (TH2Z-WQ) Born: [1808]

2-- Freeman J BURLEY (TH2Z-XW) Born: [1810]

2-- Cyrus BURLEY (TH2Z-Z3) Born: [1812]

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Jesse Benjamin BURLEY (BB96-N7) Born: [1831]

=====

1-- Jesse Benjamin BURLEY (BB96-N7) Born: [1831]
sp-Elizabeth WOOD (BB96-PD) Born: [1835]
2-- Ellen Jane BURLEY (4JRZ-RK) Born: 26 Apr 1855 Kincardine, Bruce, Ontario, Canada
sp-Thomas Reginald COLLINS (4JRZ-QD) Born: 28 Aug 1852 Kincardine, Bruce, Ontario, Canada
3-- Roxina May COLLINS (4JRZ-V3) Born: 28 Oct 1877 Kincardine, Bruce, Ontario, Canada
sp-Thomas G. FLATT (CQ78-JG) Born: [1877]
3-- William Ellis COLLINS (4JRZ-W8) Born: 8 Mar 1879 Kincardine, Bruce, Ontario, Canada
sp-Anna G. SCHULTZ (CQ78-KM) Born: [1879]
sp-Anna S. EAJEN (CQ78-LS) Born: [1879]
3-- Henrietta COLLINS (4JRZ-XF) Born: 31 Oct 1881 Wheatland, Cass, ND
sp-Henry SCHULTZ (CQ78-MO) Born: [1881]
3-- Francis Reginald COLLINS (4JRZ-ZL) Born: 25 Mar 1883 Wheatland, Cass, ND
sp-Ruth Nancy HANEY (CQ78-N5) Born: [1883]
3-- Elizabeth Jane COLLINS (4JSO-OP) Born: 9 Jan 1886 Wheatland, Cass, ND
sp-Wesley PLATT (CQ78-PB) Born: [1886]
3-- Thomas Kirkwood COLLINS (TWIN) (4JRZ-MV) Born: 9 Dec 1887 Wheatland, Cass, ND
sp-Helen Belle COLBY (4JRZ-N2) Born: 26 Feb 1882 Harris, Chisago, MN
4-- Helen Irene COLLINS (5PKJ-94) Born: 17 Dec 1910 Fargo, Cass, ND
sp-LIVING (D86W-SF) Born: LIVING
4-- Gladys Jane COLLINS (4JRZ-JC) Born: LIVING
sp-Vivian Frank SQUIRES (7D9Q-D3) Born: LIVING
5-- Mark Norell SQUIRES (68N3-C4) Born: LIVING
sp-Kathleen Berniece TRIPP (6H76-F1) Born: LIVING
5-- Kurt Thomas SQUIRES (4JRZ-FT) Born: LIVING
sp-Carol Ann HUTCHINS (4JRZ-G1) Born: LIVING
5-- Kent Ray SQUIRES (TWIN) (5PKJ-6L) Born: LIVING
sp-LIVING (D86W-Q3) Born: LIVING
5-- Kendall Dean SQUIRES (TWIN) (5PKJ-7R) Born: LIVING
sp-LIVING (D86W-R8) Born: LIVING
5-- Janell SQUIRES (5PKJ-8X) Born: LIVING
4-- Thomas Kirkwood COLLINS (5PKJ-B9) Born: LIVING
sp-LIVING (D86W-TL) Born: LIVING
4-- Georgia Elizabeth COLLINS (5PKJ-CG) Born: LIVING
sp-Ralph Dean RYTTING (D86W-VR) Born: 22 Oct 1926 Shelley, Bingham, Idaho
5-- Ralph Colby RYTTING (L6KH-G8) Born: LIVING
sp-LIVING (L6KH-HF) Born: LIVING
5-- Elizabeth RYTTING (901S-BF) Born: LIVING
sp-Larry Wayne BARKDULL (901R-QC) Born: LIVING
5-- Minette RYTTING (SGWW-X4) Born: LIVING
sp-Lawrence Farley SHAW (6VH5-HS) Born: LIVING
3-- Daughter COLLINS (TWIN) (4JSO-1V) Born: 9 Dec 1887 Wheatland, Cass, ND
3-- Warren Miwis COLLINS (4JSO-22) Born: 31 May 1890 Wheatland, Cass, ND
sp-Edna Mae FLATT (CQ78-QH) Born: [1890]
3-- Joseph Kingsberry COLLINS (4JSO-37) Born: 1 Feb 1891 Wheatland, Cass, ND
sp-Emma Pearl TANBERG (CQ78-RN) Born: [1891]
3-- Sadie COLLINS (4JSO-4D) Born: 26 Apr 1897 Wheatland, Cass, ND
sp-LIVING (CQ78-ST) Born: LIVING
2-- Jesse Miles BURLEY (1HHS-GB) Born: 10 Jan 1857 , Ontario, Canada
sp-Katherine Rachel LONG (1HHS-HH) Born: 20 Apr 1860 , Ontario, Canada
3-- Elizabeth Ann BURLEY (62C5-BV) Born: 27 Nov 1880 Holland Center, Corey, Canada
sp-Jack SHARLEY (DF4B-QV) Born: [1880]

Name: Arthur BURLEY (AFN:TH2Z-WQ)

Born: [1808]

Sex: M

FATHER: John BURLEY

MOTHER:

SPOUSE:

SUBMITTERS

Rolene Eichman Kiesling

Microfilm: NONE

P O Box 215

Submission: AF92-104877

Groveland CA

USA 95321

ABOUT ANCESTRAL FILE

Ancestral File is a collection of genealogical information taken from pedigree charts and Family Group records submitted to the Family History Department since 1978. The information has not been verified against any official records. Since the information in Ancestral File is contributed, it is the responsibility of those who use the file to verify its accuracy.

Corrections can be made by sending a copy of the record with the corrections indicated along with documentation references supporting the correction to: Ancestral File Operations, 50 E. North Temple Street, Salt Lake City, UT 84150.

PLEASE NOTE

Names and addresses of submitters to Ancestral File and those who have a research interest are provided to help in the coordination of research. The use of this information for any other purpose, including commercial use, is strictly prohibited.

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=====

Jesse Benjamin BURLEY (8896-N7) Born: [1831]

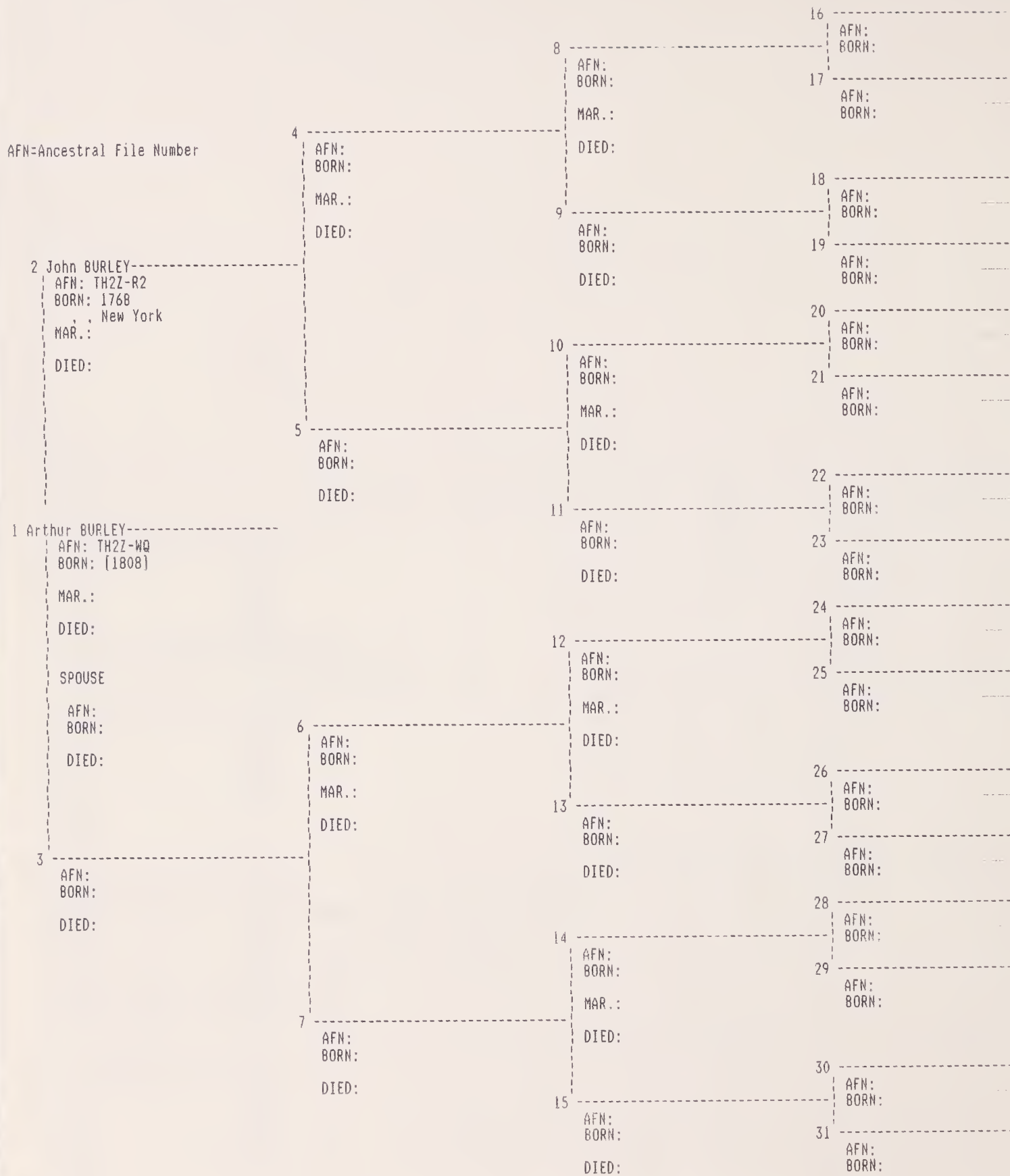
=====

1-- Jesse Benjamin BURLEY (8896-N7) Born: [1831]
sp-Elizabeth WOOD (8896-PD) Born: [1835]
2-- Ellen Jane BURLEY (4JRZ-RK) Born: 26 Apr 1855 Kincardine, Bruce, Ontario, Canada
sp-Thomas Reginald COLLINS (4JRZ-QD) Born: 28 Aug 1852 Kincardine, Bruce, Ontario, Canada
3-- Roxina May COLLINS (4JRZ-V3) Born: 28 Oct 1877 Kincardine, Bruce, Ontario, Canada
sp-Thomas G. FLATT (CQ78-JG) Born: [1877]
3-- William Ellis COLLINS (4JRZ-W8) Born: 8 Mar 1879 Kincardine, Bruce, Ontario, Canada
sp-Anna G. SCHULTZ (CQ78-KH) Born: [1879]
sp-Anna S. EAJEN (CQ78-LS) Born: [1879]
3-- Henrietta COLLINS (4JRZ-XF) Born: 31 Oct 1881 Wheatland, Cass, ND
sp-Henry SCHULTZ (CQ78-M0) Born: [1881]
3-- Francis Reginald COLLINS (4JRZ-ZL) Born: 25 Mar 1883 Wheatland, Cass, ND
sp-Ruth Nancy HANEY (CQ78-N5) Born: [1883]
3-- Elizabeth Jane COLLINS (4JS0-OP) Born: 9 Jan 1886 Wheatland, Cass, ND
sp-Wesley PLATT (CQ78-P8) Born: [1886]
3-- Thomas Kirkwood COLLINS (TWIN) (4JRZ-MV) Born: 9 Dec 1887 Wheatland, Cass, ND
sp-Helen Belle COLBY (4JRZ-N2) Born: 26 Feb 1882 Harris, Chisago, MN
4-- Helen Irene COLLINS (5PKJ-94) Born: 17 Dec 1910 Fargo, Cass, ND
sp-LIVING (D86W-SF) Born: LIVING
4-- Gladys Jane COLLINS (4JRZ-JC) Born: LIVING
sp-Vivian Frank SQUIRES (7D9Q-D3) Born: LIVING
5-- Mark Norell SQUIRES (68N3-C4) Born: LIVING
sp-Kathleen Berniece TRIPP (6H76-F1) Born: LIVING
5-- Kurt Thomas SQUIRES (4JRZ-FT) Born: LIVING
sp-Carol Ann HUTCHINS (4JRZ-G1) Born: LIVING
5-- Kent Ray SQUIRES (TWIN) (5PKJ-6L) Born: LIVING
sp-LIVING (D86W-Q3) Born: LIVING
5-- Kendall Dean SQUIRES (TWIN) (5PKJ-7R) Born: LIVING
sp-LIVING (D86W-R8) Born: LIVING
5-- Janell SQUIRES (5PKJ-8X) Born: LIVING
4-- Thomas Kirkwood COLLINS (5PKJ-B9) Born: LIVING
sp-LIVING (D86W-TL) Born: LIVING
4-- Georgia Elizabeth COLLINS (5PKJ-CG) Born: LIVING
sp-Ralph Dean RYTTING (D86W-VR) Born: 22 Oct 1926 Shelley, Bingham, Idaho
5-- Ralph Colby RYTTING (L6KH-G8) Born: LIVING
sp-LIVING (L6KH-HF) Born: LIVING
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sp-Larry Wayne BARKDULL (901R-QC) Born: LIVING
5-- Minette RYTTING (SGWW-X4) Born: LIVING
sp-Lawrence Farley SHAW (6VH5-HS) Born: LIVING
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sp-Edna Mae FLATT (CQ78-QH) Born: [1890]
3-- Joseph Kingsberry COLLINS (4JS0-37) Born: 1 Feb 1891 Wheatland, Cass, ND
sp-Emma Pearl TANBERG (CQ78-RN) Born: [1891]
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sp-Katherine Rachel LONG (1HHS-HH) Born: 20 Apr 1860 , Ontario, Canada
3-- Elizabeth Ann BURLEY (62C5-BV) Born: 27 Nov 1880 Holland Center, Corey, Canada
sp-Jack SHARLEY (DF4B-QV) Born: [1880]

No. 1 on this chart is the same as no.

on chart no.

AFN=Ancestral File Number



PEDIGREE CHART

27 Feb 1993

Chart no. 1

	32 John BURLEY U.E.-228-----	1
Cyrus BURLEY-184-----		
B: 8 Sep 1796	33 Lydia RICHMOND-229-----	
	8 Sylvester BURLEY-52-----	
D: 9 Oct 1873	B: 6 Nov 1829	
	34 James RANDOLPH-253-----	1
	P: Hartington,,Ont.,Can.	
Adah Mariah RANDOLPH-185-----	M: 10 Mar 1852 --18	
B: 3 Jul 1801	35 Olive POWELL-254-----	
4 John Wesley BURLEIGH-13-----	P: Cataraqui,,Ont.,Canada	
D: 8 Aug 1882	D: 28 Dec 1912	
B: 22 Jan 1857	36 -----	1
	P: Verona,,Ont.,Can.	
P: Hartington,,Ont.,Can.		
Richard TAYLOR Rev.-196-----		
M: 19 Mar 1884 --12	37 -----	
B: 7 Dec 1799	9 Martha Millington TAYLOR-53-----	
P: Napanee,,Ont.,Canada		
D: 28 Jan 1870	B: 14 Mar 1833	
D: 20 Jun 1940	38 William MILLINGTON-218-----	1
	P: Dronfield,,D,England	
P: Kingston,,Ont.,Can.		
Mary MILLINGTON-197-----	D: 1923	
B: 25 Sep 1797	39 Martha MARRIOT-219-----	
2 Herbert Clarence BURLEIGH M.D.C.M.-6-	P: Verona,,Ont.,Can.	
D: 25 Jun 1881		
B: 6 Oct 1893	40 John PERCY U.E.-531-----	2
P: Hartington,,Ont.,Can.		
Michael Ryan PERCY-214-----		
M: 16 Sep 1927 --11	41 Katherine RYAN-532-----	
B: Mar 1795	10 Joseph Lott PERCY-277-----	
P: New York,,NY,USA		
D: 29 Nov 1886	B: 30 Apr 1835	
D: 13 Sep 1980	42 Amos MARTIN U.E.-216-----	2
	P: Camden Twp.	
P: Kingston,,Ont.,Can.		
Susannah (Annie) MARTIN-215-----	M: 15 Dec 1860 --97	
B: 1797	43 Susannah BALL-217-----	
5 Gertrude Mahala PERCY-14-----	P:	
D: 1883	D: 19 Feb 1931	
B: 15 May 1862	44 George HOWE-536-----	2
	P: Verona,,Ont.,Can.	
P: Bellrock,,Ont.,Can.		
James Reuben HOWE-534-----		
D: 3 Oct 1951	45 Elizabeth GALLOWAY-537-----	
B: 1813	11 Harriet HOWE-262-----	
P: Kingston,,Ont.,Can.		
D: 1892	B: 15 Dec 1844	

46 Daniel WALKER-541-----
P: Westbrook,,Ont.,Can. 2
Maria WALKER-535-----
D: 21 Apr 1931
B: 1820 47 Polly "Mary" BROWN-542-----
Diane Howard BURLEIGH-10----- P: Verona,,Ont.,Can.
D: 22 Jul 1864
B: 27 Dec 1928
P: Kingston,,Ont.,Can.
M: 9 Sep 1950 --9
48 Joseph HOWARD-167-----
P: Bath,,Ont.,Canada 2
Thomas James HOWARD-59-----
D:
C: 11 Jun 1794 49 Mary CAVENDISH-168-----
P: 12 Henry HOWARD N.P.-57-----
D: 21 Feb 1871
Miller Murdock P MACKINNON-19-- B: 3 Sep 1828
50 Parmenas PEARCE Solicitor-169-----
Spouse P: Tamerton Folliot,,D,England 2
Anne PEARCE-60-----
M: 16 Sep 1853 --37
B: 1802 51 Mary FILLIS-172-----
6 Herbert Joseph HOWARD-55----- P: ,,Quebec,Canada
D: 23 Feb 1854
B: 1860 D: 28 Dec 1923
52 Germain CLOUTIER-547-----
P: St. Andrews East,,Que.,Can. P: Port Hope,,Ont.,Can. 2
Jean Stanislas CLOUTIER-546-----
M: 7 Jun 1888 --38
B: 1799 53 Marie Elizabeth HUBON-550-----
P: Ottawa,,Ont. 13 Marie Aurelie CLOUTIER-58-----
D:
D: 21 Apr 1920 C: 3 Sep 1827
54 Auguste Franz GLOBENSKY M.D.-554--
P: Deseronto,,Ont.,Can. P: ,,Que.,Canada 2
Marie Leocadie GLOBENSKY-549-----
D: 23 Apr 1904
B: 18 May 1803 55 Marie Franchise BROSSEAU-555-----
3 Dorothy Isabel HOWARD R.N.-7----- P:
D: 1851
B: 14 Sep 1899
56 -----
P: Kingston,,Ont.,Can. 2
D: 8 Oct 1989
B: 57 -----
P: Kingston,,Ont.,Can. 14 Frank Lyddesdale NORTON-187-----
D:
B: 58 -----
P: 2
M: --69
B: 59 -----
7 Ethel Lyddesdale NORTON-56----- P:
D:
B: 1870 D:
60 George NETTLE-192-----
P: Toronto,,Ont.,Can. P: 3
Richard NETTLE-190-----
D: 5 Aug 1904
B: 61 Letitia DAVIS-193-----
P: Wolfe Island,,Ont.,Can. 15 Lydia Elizabeth NETTLE-188-----
D: 5 May 1905
B:
62 Thomas George W EASTSTAFFE-194----
P: 3
Lydia EASTSTAFFE-191-----
name and address of submitter: D:
B: 63 Elizabeth GRANT-195-----
John A. Burleigh P:
D:
8 Camberley Crescent,
ngston, Ontario,
nada K7M 4C4
hone:(613) 389-3943

ANCESTRY CHART

Feb 1993

Page 1

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=====
|Cyrus BURLEY-184
|Sylvester BURLEY-52
|Adah Mariah RANDOLPH-185
|John Wesley BURLEIGH-13
|Richard TAYLOR Rev.-196
|Martha Millington TAYLOR-53
|Mary MILLINGTON-197
|Herbert Clarence BURLEIGH M.D.C.M.-6
|Michael Ryan PERCY-214
|Joseph Lott PERCY-277
|Susannah (Annie) MARTIN-215
|Gertrude Mahala PERCY-14
|James Reuben HOWE-534
|Harriet HOWE-262
|Maria WALKER-535
|Lane Howard BURLEIGH-10
|Thomas James HOWARD-59
|Henry HOWARD N.P.-57
|Anne PEARCE-60
|Herbert Joseph HOWARD-55
|Jean Stanislas CLOUTIER-546
|Marie Aurelie CLOUTIER-58
|Marie Leocadie GLOBENSKY-549
|Dorothy Isabel HOWARD R.N.-7
|Frank Lyddesdale NORTON-187
|Ethel Lyddesdale NORTON-56
|Richard NETTLE-190
|Lydia Elizabeth NETTLE-188
|Lydia EASTSTAFFE-191
=====
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ANCESTRY CHART

Feb 1993

Page 1

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=====
      |John BURLEY-247
    |John BURLEY U.E.-228
    |Dorcas FREEMAN-248
  |Freeman John BURLEY-231
    |John RICHMOND J.P.-511
    |Cyrus RICHMOND-505
    |Elizabeth-512
  |Sylvester RICHMOND-503
    |Adam MOTT-519
    |Phebe MOTT-506
    |Sarah LOTT-520
  |Lydia RICHMOND-229
    |Thomas BOWERMAN III-508
    |Ichabod BOWERMAN-507
    |Jane HARBY-523
  |Jane BOWERMAN-504
  |Lydia MOTT-522
|Robert Sampson BURLEY-436
|Nancy LAPUM-240
|ester Ann BURLEY-447
|Thomas SHARP-1267
|Ann SHARP-438
|Margaret MCBRIDE-1266
=====
```


st	2nd	3rd	4th	5th
				Angus MACKINNON_
			ZL MACKINNONDDDD4	Janet MACDONALD_
		ZM M MACKINNONDD4		Donald ROBERTSON
		3	@Ann ROBERTSONDD4	C MACDONALD_
	ZK L MACKINNONDD4			Robert EADY Jr_
	3	3	ZGeorge EADY JrDD4	Ann BURWELL_
	3	@ME (Minnie) EADY4		James STEWART_
	3		@Margaret STEWART4	Margaret STEWART
ller MACKINNON				Samuel MILLER_
Diane H BURLEIGH			ZSamuel K MILLERD4	Amanda HAWLEY_
	3	ZFrederick MILLER4		
	3	3	@Adelia GARRISOND4	
@Gladys A MILLERD4				
	3		ZDDDDDDDDDDDDDDDD4	
		@Hester A BURLEYD4		
			@DDDDDDDDDDDDDDDD4	
DDDDDDDD? IMM MMMMMM;				
Child 3 : exit :				
DDDDDDDY HMM MMMMMM<				

Lydia Elizabeth NETTLE-188

--69

1st	2nd	3rd	4th	5th
				Cyrus BURLEY →
		ZSylvester BURLEY4	_Adah M RANDOLPH_ →	
		3	_Richard TAYLOR R	
	ZHerbert BURLEIGH4	@Martha M TAYLORD4	_Mary MILLINGTON_ →	
3	3		_Michael R PERCY_ →	
3		ZJoseph L PERCYDD4	_Susannah MARTIN_ →	
3	@Gertrude M PERCY4		_James R HOWE_ →	
		@Harriet HOWEDDD4	_Maria WALKER_ →	
ane H BURLEIGH			_Thomas J HOWARD_ →	
Miller MACKINNON		ZHenry HOWARD NDD4	_Anne PEARCE_ →	
3	ZHerbert J HOWARD4		_Jean S CLOUTIER_ →	
3	3	@Marie A CLOUTIER4	_Marie GLOBENSKY_ →	
@Dorothy I HOWARD4				
	3	ZFrank L NORTONDD4		
	@Ethel L NORTONDD4		_Richard NETTLE_ →	
DDDDDDDD? IMMMMMMMMM;			@Lydia E NETTLEDD4	_Lydia EASTSTAFFE_ →
Child 3 : eXit :				
DDDDDDDY HMMMMMMMMM<				

	46	P: ,,,England	2
		D: Jun 1851	
B:	47		
Mary Elizabeth (Minnie) EADY-19		P: Horton Twp, Renfrew, Ontario	
D:			
B: 17 Dec 1871			
P: Horton Twp, Renfrew, Ontario			
M: 17 Jun 1891 --5			
	48		2
P: Renfrew, Renfrew, Ontario			
D: 15 Sep 1924			
B:	49		
P: Renfrew, Renfrew, Ontario	12		
D:			
Murdoch McLean MACKINNON-18		B:	
	50		
Spouse		P:	2
		M:	
B:	51		
6 James STEWART-84		P:	
D:			
B: Feb 1797		D:	
	52		
P: ,,,Perthshire, Scotland		P:	2
M: --14			
B:	53		
P:	13		
D:			
D: 25 Sep 1868		B:	
	54		
P:		P:	2
		D:	
B:	55		
3 Margaret STEWART-47		P:	
D:			
B: Mar 1837			
	56		
P: Horton Twp, Renfrew, Ontario			2
D: 26 May 1911			
B:	57		
P:		14 John STEWART-94	
D:			
		B: 1779	
	58		
		P: ,,,Scotland	2
		M: --15	
B:	59		
7 Margaret STEWART-85		P:	
D:			
B: Feb 1806		D:	
	60		
P: ,,,Perthshire, Scotland		P:	3
D: 27 May 1871			
B:	61		
P:		15 Mary-95	
D:			
		B: 1774	
	62		
		P: ,,,Scotland	3
		D:	
ame and address of submitter:	63		
B:		P:	
ane Mackinnon			
D:			
R.2,			
ath,			
ntario K0H 1G0			
hone:613-352-7241			

PEDIGREE CHART

27 Feb 1993

Chart no. 1

	32 -----		1
John EADY-77-----			
B:	33 -----		
	8 Robert EADY-64-----		
D:	B: May 1785		
	34 -----		
	P: East Woodhay,,H,England		1
Elizabeth HIBBARD-78-----			
	M: 16 Jan 1810 --11		
B:	35 -----		
4 Robert EADY Jr-54-----	P: Derby St. Peter,,D,England		
D:	B: Mar 1817	D: 1860/1862	
	36 -----		
	P: Kingston,Frontenac,Ontario	P: Horton Twp,RC,Ontario	1
	M: 18 Apr 1837 --10		
B:	37 -----		
	P:	9 Mary HURST-65-----	
D:	D: 18 Dec 1899	B: 1790	
	38 -----		
	P: Renfrew,Renfrew Co,Ontario	P: ,,Staffordshire,England	1
		D: 10 May 1873	
B:	39 -----		
2 George EADY Jr-46-----	P: Petrolia,Lambton,Ontario		
D:	B: 2 Aug 1840		
	40 -----		
	P: Horton Twp,Renfrew,Ontario		2
	M: 26 Sep 1866 --9		
B:	41 -----		
	P:	10 William BURWELL-79-----	
D:	D: 14 Jun 1912	B: 1789	
	42 -----		
	P: Renfrew,Renfrew,Ontario	P: ,,Lincoln,England	2
		M: --13	
B:	43 -----		
5 Ann BURWELL-55-----	P:		
D:	B: Aug 1817	D: 11 Aug 1847	
	44 -----		
	P: Lincoln,,England	P:	2
	D: 10 Feb 1907		
B:	45 -----		
	P:	11 Elizabeth MOORE-80-----	
D:		B: 1796	

FAMILY GROUP RECORD-529

Page 1 of 2

1 May 1993

=====

HUSBAND Benjamin Sanders BURLEY-1143

=====

BORN: 1854 PLACE:

CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

MARR: Oct 1877 PLACE:

FATHER: Joseph BURLEY-1138

PARENTS' MRIN: 409

MOTHER: Ann SAUNDERS-1142

=====

WIFE Sarah Jane ECCLES-1497

=====

BORN: 1854 PLACE:

CHR.: PLACE:

DIED: 10 Jan 1926 PLACE:

BUR.: PLACE:

FATHER:

MOTHER:

=====

CHILDREN

=====

1. NAME: Annie BURLEY-1518

---- BORN: PLACE:

F CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

SPOUSE: Walter KETCHESON-1526

MRIN: 537

MARR: PLACE:

=====

2. NAME: Fred BURLEY-1519

---- BORN: PLACE:

M CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

SPOUSE: Emma JINKS-1527

has other marriages

MRIN: 538

MARR: PLACE:

=====

3. NAME: Edith BURLEY-1520

---- BORN: PLACE:

F CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

SPOUSE: Elwood CHAPMAN-1528

MRIN: 539

MARR: PLACE:

=====

4. NAME: Elwood G. "Brock" BURLEY-1521

---- BORN: PLACE:

M CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

SPOUSE: Mildred WANNAMAKER-1530

MRIN: 540

MARR: PLACE:

=====

John A. Burleigh

798 Camberley Crescent,

Kingston, Ontario,

Canada K7M 4C4

Phone:(613) 389-3943

FAMILY GROUP RECORD-529

1 May 1993

Page 2 of 2

=====

HUSBAND Benjamin Sanders BURLEY-1143

Yr of Birth 1854

WIFE Sarah Jane ECCLES-1497

Yr of Birth 1854

=====

CHILDREN (continued)

=====

5. NAME: Harry BURLEY-1522

---- BORN: PLACE:

M CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

SPOUSE: Ellen KING-1531

MRIN: 541

MARR: PLACE:

=====

6. NAME: Benjamin Earle BURLEY-1523

---- BORN: 1888 PLACE:

M CHR.: PLACE:

DIED: 14 Jul 1970 PLACE: Bloomfield,,Ont.,Can.

BUR.: PLACE:

SPOUSE: Elizabeth BRADT-1533

MRIN: 542

MARR: 20 Nov 1914 PLACE: Tryconnell,,Ont.,Canada

=====

7. NAME: Raymond BURLEY-1524

---- BORN: PLACE:

M CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

SPOUSE: Bertha MAGNASON-1534

MRIN: 543

MARR: PLACE:

=====

8. NAME: Lucy BURLEY-1525

---- BORN: PLACE:

F CHR.: PLACE:

DIED: PLACE:

BUR.: PLACE:

SPOUSE: Clayton CHURCH-1535

MRIN: 544

MARR: PLACE:

=====

HELEN B. RECTOR
3409 MAIN STREET APT. 524
VANCOUVER, WA 98663

17 November 85

Dear Mrs. Mac Kinnon:

The Kingston branch of the Ontario Genealogical Society sent me your name as a daughter of the late Dr Burleigh.

I am tracing the Burleigh family history and have been able to get to 1708 when a John Burley arrived from England to Connecticut. He was supposed to have come over with a Governor Belcher. I assume they landed in Boston Mass. USA, but from where, in England, and who were his ancestors or siblings.

He married a Meriam Fuller, daughter of Nathaniel and Anna Butterworth Fuller, she born 1708 at Windham Conn.

I will appreciate any assistance or information you have on the Burley - Burleigh families.

Sincerely

Helen Burleigh Rector

over

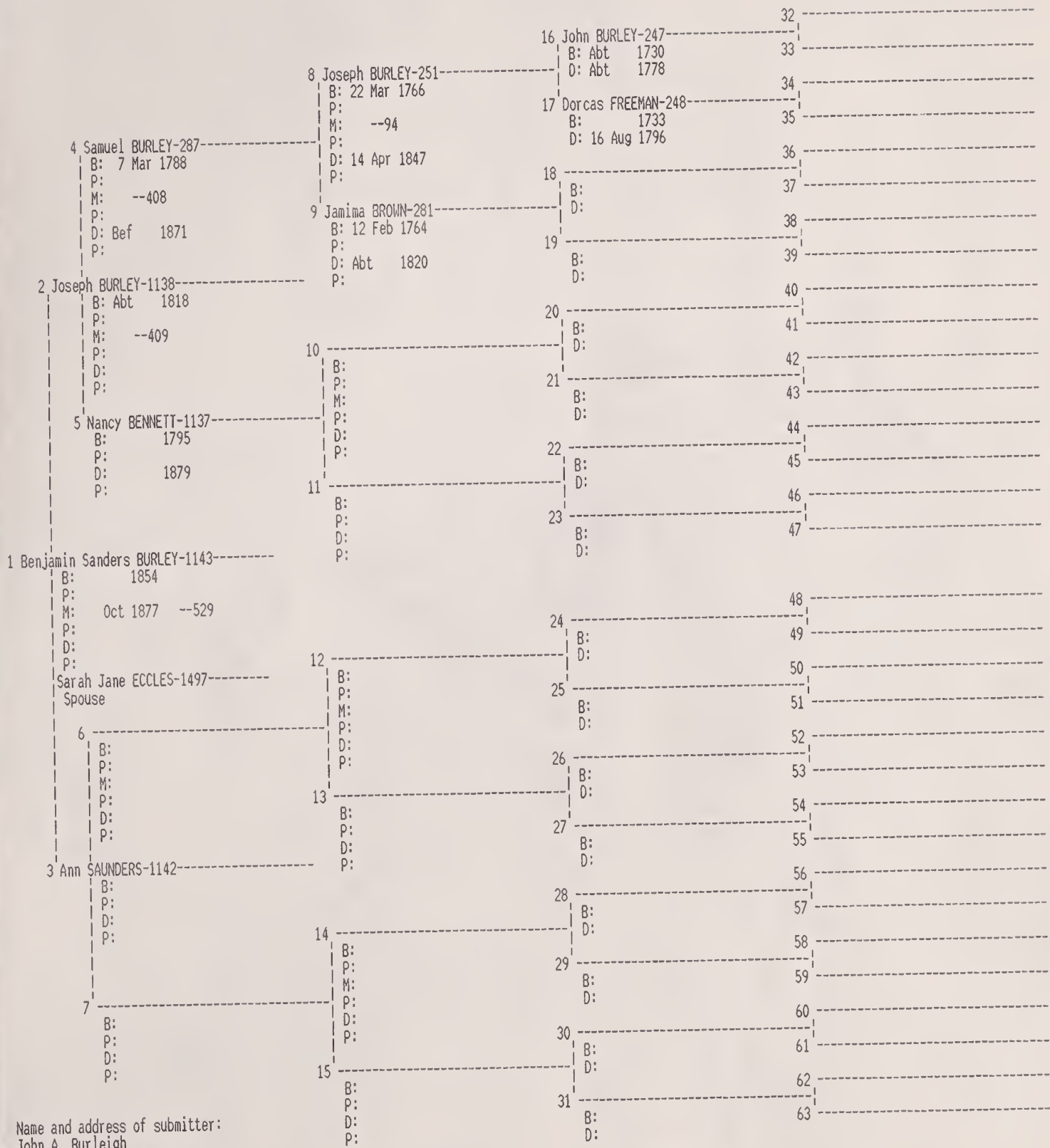
I will gladly pay any reasonable fees
for copies of information

Helen

PEDIGREE CHART

1 May 1993

Chart no. 1



Name and address of submitter:
 John A. Burleigh
 798 Camberley Crescent,
 Kingston, Ontario,
 Canada K7M 4C4
 Phone:(613) 389-3943

Thomas Freeman Burley Family.

Thomas Burley. b

1836

aged 73 yrs.

Napanee Apr 12 1909 Francis Van de Bogart of Richmond Township died.

A daughter Mrs. Thomas Burley lives in Spokane, Wash.

(Daily Br. Whig Apr 13 1909)

Is this Thomas Freeman, bro. of Ebenezer? or his son?

Mrs. Exley (Susan Burley) is a second cousin of Ebenezer B. (Isaac)

Her daughter Mrs Annie Douten lives in 2nd house on south side of road west of first north side road west of Catholic Church beyond Marysville.

Sanford Burley's boys went to Oswego (Isaac)

One Doolittle and his wife (a Burley?) visited J. W. Burleigh at Sharbot Lake re an attempt to force the U.S. Government to return Martha's Vineyard to the Burley heirs. Who was Peabody (J.W.B.)

Sanford Burley had children m. Walker, a relative of Desert Lake Walker.

- 1 Alpheus — wooden leg
2 Angus
3 Amos
- } all older than Dad who was at that time 12 while they ranged from 18 to 13. (J.W.B.)

Angus B. married Schuyler Deys's daughter a sister of "big" Sylvanus Deys

Angus & Amos went to Dresden & settled. (lives on Point Pelee)

(J.W.B.)

Sanford Burley lived on south bank of Hardwood Creek half mile east of the bridge at Lower Verona. (lot 8 or 9 in Cone & Portland). He was killed by a cedar tree directly south of the house (whose foundation remains to be seen yet). Dad was about 8 or 10 when this happened. Grandma was outside at their house and heard groans in the old workshop & came to the house crying. Shortly after a man came on horseback to tell of it. (The old shop was torn down before Dad was a young man). Sanford was a son of Cornelius Burley. He was at this time old enough to have sons 12 to 20 yrs old. Some were older and some younger than father. Dad went smelter fishing with grandpa when he was about 12 yrs old & Sanford was not there then. His boys Angus & Amos went along to Conways Creek to fish. Al. Pero's father & mother had just been married & were living in the house with the Burleys. They went to

Conways Creek on horseback. His wife was a Walker. (J.W.B.)

Cornelius Burley lived with Sanford and made Cedar oil. He had it in a bowl and Sanford's little daughter Rilla drank it & died.

(W.K.B.)

What did Cornelius make Cedar oil.

(J.W.B.)

about 1863-4

at T. J. Jendryaga, a farmer & was near

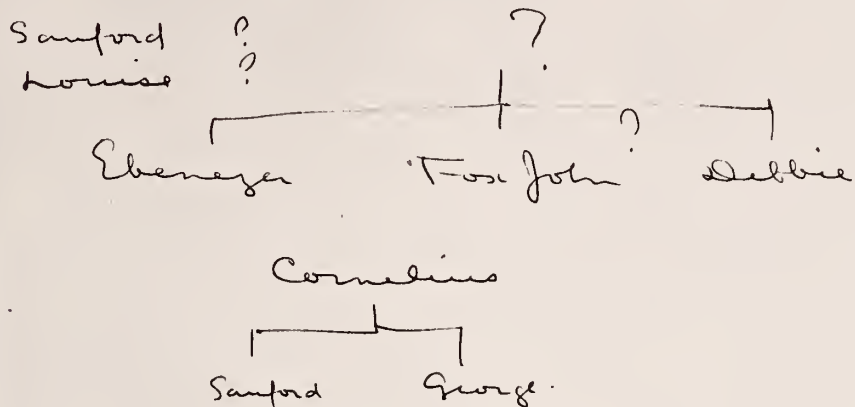
at Kane house

Thomas Freeman Burley Family

2

Doolittles came trying to get their property as they were close relatives.
It seems that Sarah Kane's mother was a Burley (W.K.B.)

David Burley was murdered down near Deseronto. His wife's brothers Callhous bought a yoke of oxen & asked him to help them drive them. was never seen alive after.. (W.K.B.)



Sarah Kane an old maid who was at Grandpa Burleys. She lived with Ebenezer Burley & came to Grandpa's & then went back. They came after her with a sleigh. Pa was about 4 or 5 yrs old. She came from England & went to live with Ebenezer. A letter came from Ohio or Iowa. It was from Jessie Doolittle & was opened by Sylvester. She wanted Grandpa to correspond with her & wrote about Sarah Kane. Jessies Mother was a sister of Sarah Kane? The Doolittles seemed to be some relation. Did Ebenezer marry a Kane?

Directory of Co. of Hastings McKenzie Bowell 1860.

Belleville Francis Burley carter home east side of Murneyville.
Frankford. Geo Burley sawyer north side of Murray
Emerson Burley merchant south side of mill. 572?
Hungerford Wm Burley, J.P., yeoman Conc I n. half lot 11.
Shannonville Geo. Burleigh Tanner west side of Gore St.
Thurlow S. Burley Merchant Smithville

Geography of Frontenac Lennox & Addington Counties 1878.

Bedford. Conc I S. half lot 4. Jno. Burley.
Houghboro Conc XIV W third lot 4 Jas. Burley Property is just East of Dey's Corner and touching west bay of Deser
do E two thirds lot 4 Amos Burley

Canada Directory 1857-8

Shannonville Geo. Burleigh Tanner

George and Sanford B. brothers sons of Cornelius B who lived in Ernestown

1. Noah Stark Paulus

is Angus Amos George Joseph Sanford & Minford Rilla Rilla.

ezey

urney

Thomas Freeman Burley Family.

3

His Jesse Doolittle daughter of a daughter of Ebenezer
was looking for Sarah Kane lived in Tyendinaga
Her mother was a Burley

Aunt Abbie m Nicholas Turney & is a sister of Foss John.

Is

Ebenezer Burley 1835-19

Lucy m. his wife 1844-1912

Percilla W. Burley 1870-1887

William H. (Sovereign - Woodmen of the World) Burley 1874-1913

Melrose Cemetery

25-9-24.

Freemans descendants go to California?

Early Records of Ontario Adam Shortt [Q.T.]

P.61. Freeman Burley foreman of the jury, Court of Quarter Sessions held
Kingston Oct 8 1811.

Sanfords son go married Schuyler Deys's sister Martha dau of ^{old} Sylvanus Deys
who lived where Ann Hughes lived N. of Wolf Swamp

Had a son who lived at Harrowsmith about 1910-13 & had
four or five dirty children. Lived in old house on north side
track towards Stewarts.

Angus married Schuyler Deys's daughter

They went to Dresden with Bob Deys.

Others were not married then is when they left the country.

Sanford

Killed about 1863-4

at Harwood Creek

where Frank Doney owns

↓

Angus → one married
and } Schuyler Deys's
daughter

dephens wood leg.

Lives near Dresden Ont.